



GAIL FARBER, Director

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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May 26, 2015


The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

### ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

32 May 26, 2015

  
PATRICK OGAWA  
ACTING EXECUTIVE OFFICER

### **AUTHORIZATION TO SUBMIT ENHANCED WATERSHED MANAGEMENT PROGRAMS ON BEHALF OF THE COUNTY OF LOS ANGELES (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

### **SUBJECT**

This action is to approve Enhanced Watershed Management Programs and direct the Director of Public Works or her designee to submit Enhanced Watershed Management Program plans on behalf of the County of Los Angeles to the California Regional Water Quality Control Board, Los Angeles Region, in accordance with the 2012 Los Angeles County National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit.

### **IT IS RECOMMENDED THAT THE BOARD:**

1. Acting as a responsible agency for the Enhanced Watershed Management Programs, consider the Final Program Environmental Impact Report prepared and certified by the Los Angeles County Flood Control District for the program; certify that the Board has independently considered and reached its own conclusions regarding the environmental effects of the program as shown in the Final Program Environmental Impact Report; adopt the Mitigation Monitoring and Reporting Program as applicable, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during program implementation; find that there are no further feasible alternatives or feasible mitigation measures within the Board's jurisdiction that would substantially lessen or avoid any significant effect that the program would have on the environment; and determine that the significant adverse effects of the program have either been reduced to an acceptable level or are outweighed by the specific considerations of the program, as

outlined in the Findings of Fact and Statement of Overriding Considerations, which findings and statement are adopted and incorporated herein by reference.

2. Approve the 11 draft Enhanced Watershed Management Programs in which the unincorporated County is participating as described in the Project Description of the Final Program Environmental Impact Report.
3. Direct the Director of Public Works or her designee to submit draft Enhanced Watershed Management Program plans and related documents to the California Regional Water Quality Control Board, Los Angeles Region, and revisions to the draft plans as necessary following review by the Regional Water Quality Control Board, that conform to the draft Enhanced Watershed Management Program approved by the Board.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On December 28, 2012, the Los Angeles National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Permit became effective in accordance with the Clean Water Act. The MS4 Permit covers the unincorporated County, Los Angeles County Flood Control District (LACFCD), and 84 cities within Los Angeles County. The MS4 Permit does not include the Cities of Palmdale, Lancaster, Avalon, and Long Beach. Unlike previous permits, permittees are provided with multiple compliance pathways, including the option to develop an Enhanced Watershed Management Program (EWMP). Many permittees have elected to pursue the development of an EWMP since this approach provides opportunities to collaborate with other agencies on projects that address stormwater quality while providing other benefits to the public.

On June 18, 2013, the Board authorized Public Works to submit letters to the California Regional Water Quality Control Board (Regional Board), Los Angeles Region, stating the County's intent to collaborate with other permittees to develop EWMPs. An EWMP is developed through the use of a computer model to develop customized water quality improvement programs and projects to meet water quality standards. Moreover, an EWMP will identify multi-benefit regional projects that are capable of retaining all non-stormwater runoff and stormwater runoff from a specified "design storm" while achieving other benefits such as flood control, water supply, conservation, and recreational improvements.

On July 30, 2013, the Board authorized Public Works, on behalf of the unincorporated County, to enter into cost-sharing Memorandums of Understanding with other permittees for the development of these collaborative EWMPs. A total of 49 permittees formed 12 EWMP groups. Of the groups formed, the unincorporated County is participating in the following 11 EWMP groups: Ballona Creek, Dominguez Channel, Malibu Creek, Marina del Rey, North Santa Monica Bay, Palos Verdes Peninsula, Rio Honda/San Gabriel River, Santa Monica Bay, Upper Los Angeles River, Upper San Gabriel River, and Upper Santa Clara River. In accordance with the MS4 Permit, draft EWMP plans are due to the Regional Board by June 28, 2015.

Each permittee must ensure that their EWMP has undergone the proper environmental review prior to its submittal to the Regional Board. The LACFCD, which is participating in all the EWMP groups, prepared a Program Environmental Impact Report (PEIR) on behalf of all the EWMP groups to provide a Countywide approach that evaluates the EWMPs with a comprehensive regional perspective. The PEIR differs from a "Project EIR" in that no specific project will be approved by the PEIR. The PEIR studies the regional cumulative effects of various projects and describes future goals and policies without examining the merits and impacts of individual projects. Subsequent

detailed environmental analysis will be required for all proposed stormwater improvement projects under consideration through the EWMP process.

Following submittal of the 11 draft EWMP plans to the Regional Board, the Regional Board and general public will have an opportunity to provide comments on the draft EWMP plans. Each permittee will then revise the draft EWMP plans in response to comments from the Regional Board.

The purpose of the Board recommendations is to: 1) consider the final PEIR and adopt the required Mitigation Monitoring Program and the Findings of Fact and Statement of Overriding Considerations, 2) approve the draft EWMPs as described in the Project Description of the final PEIR, and 3) direct the Director of Public Works, on behalf of the unincorporated County, to submit the 11 draft EWMP plans and related documents to the Regional Board, and revisions to the draft plans as necessary following review by the Regional Board, that conform to the draft EWMPs approved by the Board.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The recommended actions support the development of a cooperative partnership with local agencies to provide a public service in an effective and efficient manner.

### **FISCAL IMPACT/FINANCING**

The draft EWMP plans to be submitted to the Regional Board by June 28, 2015, will identify strategies, best management practices, and projects to achieve effective and collaborative watershed planning in accordance with the MS4 Permit. The collective cost to implement the 12 EWMPs developed throughout the region is estimated to be over \$20 billion over 20 years. The estimated cost will be further refined as the EWMP plans are updated every 2 years taking into consideration factors such as water quality monitoring data and program effectiveness data.

The collective cost for the unincorporated County to implement all measures identified in the 11 EWMPs and achieve compliance with all water quality standards is approximately \$4 billion over the next 20 years as shown in Exhibit A. The \$4 billion estimate was based on information from customized water quality improvement programs provided by consultants for each EWMP group. Primary factors included land area, project type, and watershed characteristics.

The Department of Public Works General Fund Fiscal Year 2015 Annual Budget includes \$10 million net County cost for the Unincorporated Area Stormwater Program. Approximately \$4.8 million of these funds may be utilized for the implementation of EWMPs and will be considered during the annual budget process to determine if sufficient funding is available for the Unincorporated Area Stormwater Program requirements. In addition, Public Works will be working with the Chief Executive Office to develop a financial strategy to implement the EWMP plans, including pursuing grant opportunities, alternative funding sources, and public-private partnerships with agencies that may benefit from the EWMP projects.

Following the Regional Board's review and approval of the EWMP plans, the unincorporated County will further evaluate projects identified in the EWMPs to determine its role and participation and will return to the Board for approval to execute agreements for specific projects between the unincorporated County and other participating permittees.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On December 28, 2012, the current MS4 Permit (Order No. R4-2012-0175) became effective. The MS4 Permit encourages permittees to develop, submit plans for, and implement EWMPs collaboratively. Participating in the development and submittal of the EWMPs is part of the County's ongoing programs to comply with the requirements of the MS4 Permit. The unincorporated County has elected to pursue the development of 11 EWMP plans since this approach provides regulatory opportunities to collaborate with other agencies on projects that address stormwater quality while providing other benefits to the public. In accordance with the MS4 Permit, draft EWMP plans are due to the Regional Board by June 28, 2015.

### **ENVIRONMENTAL DOCUMENTATION**

The LACFCD recognized that implementation of the EWMPs could potentially result in significant environmental effects. The LACFCD therefore prepared a PEIR on behalf of all the EWMP groups to provide a Countywide approach that evaluates the EWMP plans with a comprehensive perspective. The LACFCD, acting as lead agency, has prepared a Final PEIR for all EWMP groups in compliance with State California Environmental Quality Act Guidelines Section 15063(a) for which it is recommending certification by the Board.

In approving the EWMPs for submittal to the Regional Board, the unincorporated County is acting as a responsible agency for the EWMPs. The LACFCD has prepared Findings of Facts and a Statement of Overriding Considerations, which may be adopted by the unincorporated County. The LACFCD has also prepared a Mitigation Monitoring and Reporting Program, which should be adopted by the unincorporated County as applicable.

As explained in the final PEIR, all identified significant environmental effects of the program can be avoided or reduced to a level of less than significant if the mitigation measures identified in the final PEIR are implemented, except for potential significant impacts to air quality, cultural resources, and noise that may be unavoidable. These mitigation measures will be implemented by the LACFCD for impacts within the LACFCD's jurisdiction and, through this agenda item, by the County for impacts within the unincorporated County's jurisdiction. Because some of the mitigation measures proposed are outside the jurisdiction of the LACFCD, and the LACFCD cannot ensure that the participating permittees will adopt the proposed mitigation measures, although they can and should do so, it is possible that some identified significant environmental effects of the program will not be reduced to a level of less than significant and will remain significant and unavoidable. However, as explained in the final PEIR and the enclosed Findings of Facts and Statement of Overriding Considerations, such unavoidable significant impacts have been reduced to the extent feasible and the benefits of the proposed program outweigh these unavoidable adverse impacts.

Upon the Board's approval of the EWMPs, Public Works will file a Notice of Determination with the County Clerk in accordance with Section 21152(a) of the California Public Resources Code.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommendations will have no negative impact on current County services.

### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Watershed Management Division.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:GB:ec

Enclosures

c: Chief Executive Office (Rochelle Goff)  
County Counsel  
Executive Office

**EXHIBIT A**  
**ESTIMATED 20 YEAR EWMP IMPLEMENTATION COSTS**

	<b>EWMP Group/Watershed Name</b>	<b>Agencies</b>	<b>Unincorporated County Total Cost (\$ Millions)</b>
1	Ballona Creek	Beverly Hills, Culver City, Inglewood, Los Angeles, Santa Monica, West Hollywood, County, LACFCD	80
2	Dominguez Channel	El Segundo, Hawthorne, Inglewood, Lomita, Los Angeles, County, LACFCD	444
3	Malibu Creek	Agoura Hills, Calabasas, Hidden Hills, Westlake Village, County, LACFCD	665
4	Marina del Rey	Culver City, Los Angeles, County, LACFCD	20
5	North Santa Monica Bay Coastal	Malibu, County, LACFCD	585
6	Rio Hondo/San Gabriel River	Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, County, LACFCD	224
7	Peninsula Agencies	Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills Estates, County, LACFCD	4
8	Santa Monica Bay Jurisdictional Group 2 & 3	El Segundo, Los Angeles, Santa Monica, County, LACFCD	9
9	Upper Los Angeles River	Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Los Angeles, Montebello, Monterey Park, Pasadena, Rosemead, San Fernando, San Gabriel, San Marino, South El Monte, South Pasadena, Temple City, County, LACFCD	825
10	Upper San Gabriel	Baldwin Park, Covina, Glendora, Industry, La Puente, County, LACFCD	805
11	Upper Santa Clara River	Santa Clarita, County, LACFCD	399
	<b>Total</b>		<b>4,060</b>

**Exhibit B**

**FINDINGS OF FACT IN SUPPORT OF FINDINGS  
RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS**

**State CEQA Guidelines Section 15091**

**for**

**Enhanced Watershed Management Programs**

**Final Program Environmental Impact Report  
SCH# 2014081106**

**Lead Agency: Los Angeles County Flood Control District**

## **1.0 Introduction**

The following findings of fact are based in part on the information contained in the Draft and Final Program Environmental Impact Report (Program EIR) for the Enhanced Watershed Management Program, as well as additional facts found in the complete record of proceedings. The Final Program EIR is hereby incorporated by reference and is available for review at the Department of Public Works, 900 south Fremont Avenue, 11<sup>th</sup> Floor, Alhambra, CA 91803, during normal business hours, and is also available on the District's website [www.LACoH2Osheds.com](http://www.LACoH2Osheds.com).

In December 2012, the Los Angeles Regional Water Quality Control Board (LARWQCB) issued a Municipal Separate Storm Sewer System (MS4) Permit (Order No. R4-2012-0175; National Pollutant Discharge Elimination System [NPDES] Permit No. CAS004001) covering discharges within coastal watersheds from the collective storm sewer systems in Los Angeles County (except from the City of Long Beach). The Permit regulates the discharge of stormwater runoff to waters of the United States from facilities owned and maintained by the Los Angeles County Flood Control District (LACFCD or District), the County of Los Angeles, and 84 incorporated cities within Los Angeles County (collectively referred to as Permittees). The purpose of the MS4 Permit is to achieve and maintain water quality objectives to protect beneficial uses of the receiving waters in the Los Angeles region. Each of the Permittees identified in the MS4 permit is responsible for meeting the conditions of the permit for MS4 discharges occurring within their jurisdiction.

The MS4 Permit gives Permittees the option of implementing an innovative approach to permit compliance through development of an Enhanced Watershed Management Program (EWMP). The EWMPs will identify potential and priority structural and non-structural Best Management

Practices (BMPs) within the region's stormwater collection system to improve runoff water quality. The LACFCD, along with participating Permittees, has opted to exercise this option and has submitted to the LARWQCB 12 separate Notices of Intent (NOIs) for the development of EWMPs within 12 distinct watershed groups. Implementation of the EWMPs would be the responsibility of each Permittee and would occur following approval of the EWMPs by the LARWQCB.

The LACFCD, as a regional agency, is a member of each of the 12 EWMP working groups, and as such provides a commonality within each EWMP group. However, LACFCD does not have a special status or authority designated by the MS4 Permit over any of the other Permittees. The LACFCD will be working with the applicable Permittees in all 12 EWMP watersheds as an equal partner to identify the types and locations of BMPs needed to achieve permit compliance within each watershed.

The timeline identified in the MS4 Permit requires that Permittees submit the EWMP to the LARWQCB by June 28, 2015, in order to be in compliance with the permit conditions. The LACFCD recognizes that implementation of the EWMPs may potentially result in changes to environmental conditions. As a result, the LACFCD has prepared this Program Environmental Impact Report (PEIR) in compliance with the California Environmental Quality Act (CEQA) to provide the public and the responsible and trustee agencies with information about the potential effects on the local and regional environment associated with implementation of the EWMPs. The LACFCD will submit the PEIR to its governing body, the Los Angeles County Board of Supervisors, for approval prior to submittal of the EWMPs. The EWMPs will be submitted by each EWMP group to the LARWQCB.

The LACFCD issued a notice of preparation of a Draft Program EIR on July 27, 2012. The notice of preparation stated that the Draft Program EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the *California Environmental Quality Act (CEQA) Guidelines*. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final Program EIR, the District finds that those impacts have been described accurately and are less than significant or have no impact. In addition, some impacts in the Final Program EIR were found to be potentially "significant" but are able to be mitigated to less-than-significant levels, and others were found to be "significant and unavoidable." The District finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

The District further finds that the application of mitigation measures identified in the Final Program EIR would be the responsibility of each agency implementing projects identified in the program (implementing agencies). The District finds that the mitigation measures identified in the Final EIR are reasonable and readily implementable under foreseeable circumstances, such that it is reasonably assumed that implementing agencies can and should adopt and implement them for their projects. The conclusions of significance for each impact in the Final Program EIR therefore assume that mitigation measures identified in the Final Program EIR would be applied as described therein.



The District has adopted the mitigation measures identified in the Final Program EIR, and will implement those measures for projects it implements under the Program. However, as explained more fully in Section 5.0, because the District will not be the implementing agency for all projects being implemented as part of the proposed program, the District cannot state with certainty that all impacts capable of being mitigated to less-than-significant levels will in fact be mitigated to a less-than-significant level. Accordingly, the District finds that as to projects where the District will not be an implementing agency, the impacts described in the Program EIR as being potentially "significant" but capable of being mitigated to less-than-significant levels must be found to be "significant and unavoidable."

## 2.0 Project Description

The 12 EWMPs will vary for each watershed group, but will generally provide the opportunity for Permittees to customize their stormwater programs to achieve compliance with applicable receiving water limitations (RWLs) and water-quality-based effluent limits (WQBELs) in accordance with the MS4 Permit through implementation of stormwater best management practices (BMPs) or watershed control measures. BMPs vary in function and type, with each BMP providing unique design characteristics and benefits from implementation. The overarching goal of BMPs in the EWMP is to reduce the impact of stormwater and non-stormwater on receiving water quality and address the water quality priorities as defined by the MS4 Permit. The development of each EWMP will involve the evaluation and selection of multiple BMP types, including nonstructural (institutional) and distributed, centralized, and regional structural watershed control measures, that will be implemented to meet compliance goals and strategies under the 2012 MS4 Permit. The LACFCD has limited jurisdictional authority for ordinance and code enactment or enforcement and therefore is limited in nonstructural BMPs to education and outreach measures. The structural watershed control measures that will be implemented by the LACFCD will be multi-benefit stormwater projects that emphasize flood risk mitigation and water conservation and supply.

The LACFCD has a vested interest in increasing opportunities for stormwater capture and groundwater recharge as a means of assisting local water supply augmentation. The LACFCD will be working with the applicable Permittees and other stakeholders in all 12 EWMP watersheds to develop such projects. The EWMPs will be implemented by the Permittees that have jurisdiction within each EWMP area. The implementing agencies will be responsible for the contents of the EWMPs affecting their jurisdictions and for implementing the projects developed by the EWMPs.

Structural control measures are constructed BMPs that reduce the impact of stormwater and non-stormwater on receiving water quality. They are broken into three categories:

- ***Distributed Structural BMPs***, which treat runoff close to the source and are typically implemented at a single- or few-parcel level (e.g., facilities typically serving a contributing area less than one acre).

- **Centralized Structural BMPs**, which treat runoff from a contributing area of multiple parcels (e.g., facilities typically serving a contributing area on the order of tens or hundreds of acres or larger).
- **Regional Structural BMPs**, which are meant to retain the 85th percentile storm over 24 hours from a contributing area. Generally, the 85<sup>th</sup> percentile storm is approximately 0.75 inches over 24 hours

Whether distributed, centralized, or regional, the major structural BMP functions are infiltration, treatment, and storage, which may be used individually or combination:

- **Infiltration**, where runoff is directed to percolate into the underlying soils. Infiltration generally reduces the volume of runoff and increases groundwater recharge.
- **Treatment**, where pollutants are removed through various unit processes, including filtration, settling, sedimentation, sorption, straining, and biological or chemical transformations.
- **Storage**, where runoff is captured, stored (detained), and slowly released into downstream waters. Storage can reduce the peak flow rate from a site, but does not directly reduce runoff volume.

The types of structural BMPs to be implemented will vary between EWMPs, but most EMWPs will include a variety of distributed, centralized, and regional BMPs.

Non-structural BMPs are policies, actions, and activities which are intended to minimize or eliminate pollutant sources. Most institutional BMPs are implemented to meet Minimum Control Measure (MCM) requirements in the MS4 permit; MCMs are considered a subset of institutional BMPs. These BMPs are not constructed, but may have costs associated with the procurement and installation of items such as signage or spill response kits.

### 3.0 CEQA Review and Public Participation

A Notice of Preparation (NOP)/Initial Study (SCH No. 2014081106) was circulated for a 30-day public review period beginning on August 29, 2014. Twenty (20) individual written comment letters were received and used in the preparation of the Draft PEIR. The Draft PEIR for the proposed project was initially circulated for a 45-day public review period beginning on January 21, 2015 and ending on March 9, 2015. Per an announcement via e-mail blast on March 6, the comment period was extended through March 16, 2015 at 5PM. A total of 46 individual written comment letters were received on the Draft PEIR.

Section 15088 of the *CEQA Guidelines* requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft PEIR and prepare a written response addressing each of the comments received. The response to comments

is contained in this document—Volume 3, Chapter 12 of the Final PEIR. Volumes 1 through 3 together constitute the Final PEIR. A list of agencies and interested parties who have commented on the Draft PEIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided in Chapter 12, *Response to Comments*, of this Final PEIR.

LACFCD held 6 community meetings on January 29 and February 3, 5, 10, 11 and 17, 2015 to discuss the Draft PEIR analysis and alternatives. The six public meetings that took place at 6PM each night listed are as follows:

- Public Meeting 1 (Florence-Firestone Service Center – January 29, 2015)
- Public Meeting 2 (LA County Fire Camp – February 3, 2015)
- Public Meeting 3 (San Pedro Service Center – February 5, 2015)
- Public Meeting 4 (Topanga Library – February 10, 2015)
- Public Meeting 5 (Hacienda Heights Community Center – February 11, 2015)
- Public Meeting 6 (East Los Angeles Library – February 17, 2015)

## 4.0 No Environmental Impacts

### 4.1 Structural BMPs

#### 4.1.1 Aesthetics

The proposed program would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area (Impact 3.1-4).

##### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area.

#### 4.1.2 Air Quality

The proposed program would not conflict with or obstruct implementation of the applicable air quality plan (Impact 3.2-1).

##### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to conflicting with or obstructing implementation of the AQMP prepared by SCAQMD and SCAG.

### 4.1.3 Biological Resources

The proposed program would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Impact 3.3-4)

The proposed program would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. (Impact 3.3-6)

#### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the Proposed Program would result in no impact relating to the interference with the movement of any native resident or migratory fish or wildlife or with established native resident or migratory wildlife corridors, or the impediment of the use of native wildlife nursery sites.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

### 4.1.4 Cultural Resources

The proposed program would not have any environmental effects related to cultural resources that would result in no impacts or less than significant impacts unmitigated.

### 4.1.5 Geologic and Mineral Resources

The proposed program would not locate new facilities in areas susceptible to seismic impacts such as (1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault, (2) strong seismic groundshaking, or (3) seismically induced liquefaction or landslides, which could expose people, structures, or habitat to potential risk of loss, damage, injury, or death (Impact 3.5-1).

The proposed program would not result in substantial soil erosion or the loss of topsoil (Impact 3.5-2).

The proposed program would not be located on expansive soil as defined in 24 CCR 1803.5.3 of the California Building Code (2013), creating substantial risks to life or structures. (Impact 3.5-4).

The proposed program would not have soils incapable of adequately supporting the use of a septic tank or alternative wastewater treatment systems where sewers are not available for the disposal of wastewater (Impact 3.5-5).

The proposed program would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or a locally important mineral

resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan (Impact 3.5-6).

### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to location of new facilities in areas susceptible to seismic impacts of various kinds.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to substantial soil erosion or loss of topsoil.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to location on expansive soil.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to having soils incapable of adequately supporting the use of septic tank or alternative wastewater treatment systems.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan.

### **4.1.6 Greenhouse Gas Emissions**

The proposed program would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Impact 3.6-1).

The proposed program would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs (Impact 3.6-2).

The proposed program would not result in significant cumulative impact to GHGs.

### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the Proposed Program would result in no impact relating to generation of GHG emissions.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program does not have the potential to result in significant cumulative impacts to GHGs.

#### **4.1.7 Hazards and Hazardous Materials**

The proposed program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or the accidental release during construction and maintenance activities (Impact 3-7.1).

The proposed program would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school (Impact 3.7-3).

The proposed program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Impact 3.7-6).

The proposed program would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (Impact 3.7-7).

#### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the creation of a significant hazard to the public or environment through routine transport, use, or disposal of hazardous materials or accidental release during construction and maintenance activities.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the Proposed Program would result in no impact relating to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the implementation of an adopted emergency response or emergency evacuation plan.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to exposure of people or structures to significant risk of loss, injury or death involving wildland fires.

#### **4.1.8 Hydrology and Water Quality**

The proposed program would not violate water quality standards or waste discharge requirements or further degrade water quality (Impact 3.8-1).

The proposed program would not substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site (Impact 3.8-3).

The proposed program would not substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river or, by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site (Impact 3.8-4).

The proposed program would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Impact 3.8-5).

The proposed program would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map (Impact 3.8-6).

The proposed program would not place within a 100-year flood hazard area structures that would impede or redirect flood flows (Impact 3.8-7).

The proposed program would not expose structures to a significant risk of loss, including flooding as a result of the failure of a levee or dam (Impact 3.8-8).

The proposed program would not place structures in areas subject to inundation by seiche, tsunami, or mudflow (Impact 3.8-9).

The proposed program would not result in significant cumulative impact to hydrology and water quality.

### **Finding**

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the violation of water quality standards or waste discharge requirements.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the alteration of the existing drainage pattern of a site in a manner that would result in substantial erosion or siltation on- or off-site. In response to comment received on the Draft EIR, Mitigation Measure HYDRO-4 has been added to ensure that Impact 3.8-3 and Impact 3.8-4 remain less than significant. The modification does not identify any new significant impact or trigger the need to recirculate the Draft PEIR under Section 15088.5 of the CEQA Guidelines.

**HYDRO-4:** Prior to approving a structural BMP, the implementing agencies shall conduct an evaluation of the potential hydromodification impacts of the project. The evaluation shall recommend design measures necessary to prevent or minimize any identified impacts, including flooding, erosion and/or scour. Design measures could include velocity dissipaters and bank re-enforcement components. Implementing agencies shall include these measures in project designs.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the alteration of the existing drainage pattern of a site which would increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the creation or contribution to runoff water.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to placement of housing within a 100-year flood hazard area.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to placement of structures within a 100-year flood hazard area that would impede or redirect flood flows.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to exposure of structures to a significant risk of loss, including flooding as a result of the failure of a levee or dam.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to placement of structures in areas subject to inundation by seiche, tsunami, or mudflow.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program does not have the potential to result in significant cumulative impacts to hydrology and water quality.

#### **4.1.9 Land Use and Agriculture**

The proposed program would not physically divide an established community (Impact 3.9-1).

The proposed program would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the program (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Impact 3.9-2).

The proposed program would not conflict with any applicable habitat conservation plan or natural community conservation plan (Impact 3.9-3).

The proposed program would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The proposed program would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of agricultural land to non-agricultural use or conversion of forest land to non-forest use. (Impact 3.9-4)

The proposed program would not conflict with existing zoning for agricultural use, or a Williamson Act contract (Impact 3.9-5).

The proposed program would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The proposed program would not result in the loss of forest land or conversion of forest land to non-forest use (Impact 3.9-6).

The proposed program would not result in significant cumulative impact to land use and agriculture.



## **Finding**

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the physical division of an established community.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to confliction with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the program adopted for the purpose of avoiding or mitigating an environmental impact.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to confliction with any applicable habitat conservation plan or natural community conservation plan.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or conversion of agricultural land to non-agricultural use or conversion of forest land to non-forest use.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to confliction with existing zoning for agricultural use, or a Williamson Act contract.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to confliction with existing zoning for forest land or timberland, or the loss of forest land or conversion of forest land to non-forest use.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program does not have the potential to result in significant cumulative impacts to land use and agriculture.

### **4.1.10 Noise**

The proposed program would not result in exposure of persons to, or generation of, excessive groundborne vibration (Impact 3.10-2).

For a project located within an airport land use plan, or, where such a plan has not been adopted, in an area within 2 miles of a public airport or public use airport, implementation of the proposed program would not expose people residing or working in the area to excessive noise levels (Impact 3.10-5)

For a project located in the vicinity of a private airstrip, the proposed program would not expose people residing or working in the project area to excessive noise levels (Impact 3.10-6).

**Finding**

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to exposure of persons to, or generation of, excessive groundborne vibration.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to projects located within an airport land use plan or within 2 miles of a public airport or public use airport.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to projects located in the vicinity of a private airstrip.

**4.1.11 Population and Housing and Environmental Justice**

Implementation of the proposed program would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (Impact 3.11-1).

Implementation of the proposed program would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (Impact 3.11-2).

Implementation of the proposed program would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (Impact 3.11-3).

Implementation of the proposed program would not affect the health or environment of minority or low income populations disproportionately (Impact 3.11-4).

The proposed program would not result in significant cumulative impact to population and housing and environmental justice.

**Finding**

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to introduction of substantial population growth in an area, either directly or indirectly.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to displacement of substantial numbers of existing housing.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to displacement of substantial numbers of people.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the Proposed Program would result in no impact relating to impacting the health or environment of minority or low income populations disproportionately.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program does not have the potential to result in significant cumulative impacts to population and housing and environmental justice.

#### **4.1.12 Public Services and Recreation**

The proposed program would not result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services (Impact 3.12-2).

The proposed program would not result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools (Impact 3.12-3).

The proposed program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Impact 3.12-4).

The proposed program would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (Impact 3.12-5).

The proposed program would not result in significant cumulative impact to public services and recreation.

#### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the provision of, or need for, new or physically altered governmental police protection facilities.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the provision of, or need for, new or physically altered schools.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to increased use of existing neighborhood and regional parks or other recreational facilities.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would not result significant cumulative impact to public services and recreation. However, Mitigation Measure PS-1 has been included to ensure that cumulative impacts remain less than significant.

**PS-1:** The Permittee implementing the EWMP project shall provide reasonable advance notification to service providers such as fire, police, and emergency medical services as well as to local businesses, homeowners, and other residents adjacent to and within areas potentially affected by the proposed EWMP project about the nature, extent, and duration of construction activities. Interim updates should be provided to inform them of the status of the construction activities.

#### **4.1.13 Transportation and Circulation**

Construction of the proposed program would not potentially cause traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways, and would not increase traffic hazards due to possible road wear (Impact 3.13-2).

The proposed program would not result in inadequate emergency access during construction (Impact 3.13-3).

##### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to inadequate emergency access during construction.

#### **4.1.14 Utilities and Service Systems**

Implementation of the proposed program would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or result in the construction of new treatment facilities or expansion of existing facilities if the wastewater treatment provider has inadequate capacity to serve the proposed program (Impact 3.14-1).

The proposed program would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects (Impact 3.14-2).

Construction and operation of the proposed program would not require additional energy use that could result in wasteful consumption, affect local and regional energy supplies, or conflict with applicable energy efficiency policies or standards (Impact 3.14-5).

##### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board or result in the construction of new treatment facilities or expansion of existing facilities.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to construction of new storm water drainage facilities or expansion of existing facilities.

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in no impact relating to additional energy use.

## 4.2 Non-Structural (Institutional) BMPs

Non-structural control measures are policies, actions, and activities which are intended to minimize or eliminate pollutant sources. Most institutional BMPs are implemented to meet Minimum Control Measure (MCM) requirements in the MS4 permit; MCMs are considered a subset of institutional BMPs. These BMPs are not constructed, but may have costs associated with the procurement and installation of items such as signage or spill response kits. The MS4 Permit categorizes institutional BMPs into six program categories:

- Development Construction Programs, which establish standards for stormwater management from construction sites of all sizes (e.g., with or without a stormwater pollution prevention plan [SWPPP]).
- Industrial/Commercial Facilities Programs, which establish standards for pollutant reduction and control measures at industrial and commercial facilities.
- Illicit Connection and Illicit Discharges (IC/ID) Detection and Elimination Programs, which describe procedures for identifying, eliminating, and reporting illicit connections and discharges to the stormwater system.
- Public Agency Activities Programs, which describe a broad range of municipal practices such as street cleaning, landscape management, storm drain operation, and more.
- Planning and Land Development Programs, which encourage the application of smart growth and low-impact development (LID) practices to development and redevelopment projects.
- Public Information and Participation Programs, which educate and engage the public on a broad range of pollution- and stormwater-related issues.

Permittees can evaluate the MCMs, identify potential modifications that will address water quality priorities, and provide justification for modification or elimination of any MCM that is determined to be ineffective (with the exception of the Planning and Land Development Program, which may not be eliminated or modified). MCM customization may include replacement, reduced implementation, augmented implementation, focused implementation, or elimination. Because the LACFCD has limited jurisdictional authority for ordinance and code enactment or enforcement, it is limited in application of MCMs to activities such as public information and participation programs.

Non-structural/institutional BMPs do not include construction of new facilities. Consequently, the Final Program EIR finds no significant environmental impacts associated with this type of BMP, and no mitigation is required for any of the environmental resource areas.

### ***Finding***

The Board of Supervisors finds, based on the Final Program EIR, and the whole of the record, that the proposed program would result in either less than significant impacts or no impacts to all environmental topic areas analyzed in the Final Program EIR relating to implementation of non-structural/institutional BMPs within the program area.

## **5.0 Less than Significant Environmental Impacts**

The significant impacts identified in this section are capable of being mitigated to levels of less than significant through the mitigation identified in the Final Program EIR. This mitigation has been adopted by the District. Thus, for projects implemented under the program where the District has jurisdiction over the project, the significant impacts will be mitigated to a level of less than significant. However, the EWMPs cover numerous jurisdictions and include potential projects that will be entirely within the jurisdiction of a different implementing agency. Because the District cannot ensure that these Implementing Agencies will adopt and implement the proposed mitigation measures, the District finds that the impacts identified in this section may also be significant and unavoidable with respect to projects where the District will not be an implementing agency. The conclusions of "less than significant" below will apply to the extent the Implementing Agencies adopt the proposed mitigation.

### **5.1 Aesthetics**

#### **Significant Effect**

The proposed program could create a substantial adverse effect on a scenic vista (Impact 3.1-1).

#### ***Description of Specific Impact***

During construction, equipment and materials required for temporary ground disturbances would be visible from public vantage points, but would not affect any scenic vistas past the temporary construction periods. Given the predominantly urban character of potential pump station sites and temporary nature of construction activities, impacts would be considered less than significant. A majority of structural BMPs would be located underground and would not introduce impacts to scenic vistas. Aboveground structures such as pump stations would be located in urbanized areas and would generally be single-story buildings. Such aboveground structures have the potential to impact scenic vistas, but will be required to be designed so as not to contrast existing neighborhood aesthetic features.

**Finding**

Permanent aboveground structures associated with certain BMPs have the potential to create substantial adverse effects on scenic vistas in the project area. The implementation of Mitigation Measure AES-1 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project relating to the creation of a substantial adverse effect on a scenic vista. Implementation of Mitigation Measure AES-1 would reduce the impact to a less-than-significant level by designing aboveground structures in a way that would avoid obstructing scenic vistas or views from public vantage points, and would ensure design consistency with neighboring structures.

**AES-1:** Aboveground structures shall be designed to be consistent with local zoning codes and applicable design guidelines and to minimize features that contrast with neighboring development.

**Significant Effect**

The proposed program could substantially damage scenic resources, including but not limited to, trees, rocks, outcroppings, and historic buildings within a state scenic highway (Impact 3.1-2).

**Description of Specific Impact**

Parts of the proposed program may be visible from designated scenic highways or other locally designated scenic roadways in the project area. Rock outcroppings and historic buildings would likely not be disturbed by the project as most of the BMPs will be underground and not visible after construction is complete. Construction of the proposed program would involve removal of vegetation from individual project sites. Smaller aboveground structures would not substantially damage scenic resources, and impacts from larger structures would be reduced to a less-than-significant level with implementation of Mitigation Measure AES-1.

**Finding**

Permanent aboveground structures associated with certain BMPs have the potential to substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The implementation of Mitigation Measure AES-1 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure AES-1 would serve to ensure design consistency with neighboring structures in individual project areas, thereby reducing damage to scenic resources within a state scenic highway.

**AES-1:** Aboveground structures shall be designed to be consistent with local zoning codes and applicable design guidelines and to minimize features that contrast with neighboring development.

## **Significant Effect**

The proposed program could substantially degrade the existing visual character or quality of the site and its surroundings (Impact 3.1-3).

### ***Description of Specific Impact***

Construction activities would visually degrade the project site and its surroundings as a result of the appearance of demolition materials, excavated areas, stockpiles, and other materials. Due to the temporary nature of construction, these adverse effects are considered less than significant. Once constructed, the BMPs would be located predominantly in urban areas and largely underground, which will not have a permanent effect on the visual character or quality of an area. Aboveground structures may degrade existing visual character of project areas as they will add to the visual landscape. Without proper maintenance of BMPs, especially wet ponds or constructed wetlands, there is a potential for substantial degradation of existing visual quality of project sites due to algal growth or public littering.

### ***Finding***

Operation of the proposed program has the potential to result in impacts related to substantial degradation of existing visual character or quality of the site and its surroundings. The implementation of Mitigation Measures AES-1 and AES-2 would reduce impacts to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project relating to the substantial degradation of existing visual character or quality of the site and its surroundings. Implementation of Mitigation Measures AES-1 and AES-2 would reduce the impact to a less-than-significant level.

**AES-1:** Aboveground structures shall be designed to be consistent with local zoning codes and applicable design guidelines and to minimize features that contrast with neighboring development.

**AES-2:** Implementing agencies shall develop BMP maintenance plans that are approved concurrently with each structural BMP approval. The maintenance plans must include measures to ensure functionality of the structural BMPs for the life of the BMP. These plans may include general maintenance guidelines that apply to a number of smaller distributed BMPs.

## **Significant Effect**

The proposed program would result in a less than significant cumulative aesthetic impact with mitigation.

### ***Description of Significant Impact***

Cumulative projects in the program region have the potential to result in cumulative impacts to aesthetic resources if they would result in the removal or substantial adverse change of visual



character or image of a neighborhood, community, state scenic highway, or localized area. Given that the BMPs will be located in primarily urbanized areas, introduction of structural BMPs would result in only minor changes to the visual landscape. The cumulative impacts of aboveground structures could have a significant impact to the aesthetic environment due to their potential size and location.

### ***Finding***

The proposed program's cumulative aesthetic impact is considered cumulatively significant, but would be reduced to less-than-significant with mitigation. Overall, implementation of BMPs is anticipated to have a positive impact on the aesthetic environment through the creation of open space areas and less impervious surfaces in urbanized or residential areas. After implementation of Mitigation Measures AES-1 and AES-2, cumulative impacts associated with aesthetics would be considered less-than-significant.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative aesthetic impact. With the implementation of Mitigation Measures AES-1 and AES-2, implementation of the proposed projects would result in less-than-significant cumulative aesthetics impacts.

## **5.2 Air Quality**

### **Significant Effect**

The proposed program could expose sensitive receptors to substantial pollutant concentrations (Impact 3.2-4).

### ***Description of Significant Impact***

While construction-related traffic on local roadways would occur during construction, the net increase of construction vehicle trips to the existing traffic volumes on local roadways would be relatively small and would not result in carbon monoxide (CO) hotspots. These construction-related trips would only occur in the short-term, and because trip-generating land uses are not associated with the proposed program, impacts associated with CO hotspots would be less than significant. Off-road heavy-duty diesel equipment would be used only temporarily at each individual structural BMP site, therefore the construction activities associated with each structural BMP project in the EWMP areas would not expose sensitive receptors to substantial emissions of TACs. During construction of the individual structural BMPs in the project area, sensitive receptors such as residences, schools, hospitals, and daycare centers would be exposed to significant adverse localized air quality impacts. Operation of structural BMPs would not involve the emission of toxic air contaminants (TAC), and would operate passively without use of mechanical equipment. Project operation would not introduce health risks associated with TAC emissions. Construction activities could expose sensitive receptors to criteria air pollutants from vehicle exhaust and dust. Depending on the size and scope of the individual structural BMPs, a localized significance threshold (LST) analysis may be required to ensure construction emissions

would not exceed SCAQMD's LSTs or result in pollutant emissions that would cause or contribute to the exceedance of the most stringent applicable federal or state ambient air quality standards.

### ***Finding***

The proposed program has the potential to expose sensitive receptors to substantial criteria air pollutant concentrations. However, implementation of Mitigation Measure AIR-3 would reduce this impact to a less-than-significant level.

### ***Brief Explanation of the Rationale for Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts to the exposure of sensitive receptors to substantial pollutant concentrations. Implementation of Mitigation Measure AIR-3 would reduce this impact to a less-than-significant level.

**AIR-3:** For large construction efforts associated with regional or centralized BMPs, implementing agencies shall conduct a project-specific LST analysis where necessary to determine local health impacts to neighboring land uses. Where it is determined that construction emissions would exceed the applicable LSTs or the most stringent applicable federal or state ambient air quality standards, the structural BMP project shall reduce its daily construction intensity (e.g., reducing the amount of equipment used daily, reducing the amount of soil graded/excavated daily) to a level where the structural BMP project's construction emissions would no longer exceed SCAQMD's LSTs or result in pollutant emissions that would cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards.

## **Significant Effect**

The proposed program could create objectionable odors affecting a substantial number of people (Impact 3.2-5).

### ***Description of Significant Impact***

The proposed program does not include any uses typically associated with odor complaints including agricultural uses, wastewater treatment plants, food processing plans, and landfills, among others. During the construction phase, exhaust odors from equipment may produce discernible odors typical of most construction sites and would be a temporary source of nuisance to adjacent uses. These odors would be temporary and intermittent in nature, so would not be considered a significant environmental impact. Certain BMPs such as restored creeks and estuaries may result in odors from saturated mud or algal blooms when left permanently wet. This may result in a severe nuisance for sensitive receptors near such BMPs, and regular maintenance may be sufficient to reduce odors in some situations.

### ***Finding***

The proposed program has the potential to create objectionable odors affecting a substantial number of people. However, implementation of Mitigation Measures AES-2 and AIR-4 would reduce impacts to a less-than-significant levels.

### ***Brief Explanation of the Rationale for Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the potential creation of objectionable odors affecting substantial numbers of people. Implementation of Mitigation Measures AES-2 and AIR-4 would reduce this impact to a less-than-significant level.

**AES-2:** Implementing agencies shall develop BMP maintenance plans that are approved concurrently with each structural BMP approval. The maintenance plans must include measures to ensure functionality of the structural BMPs for the life of the BMP. These plans may include general maintenance guidelines that apply to a number of smaller distributed BMPs.

**AIR-4:** During planning of structural BMPs, implementing agencies shall assess the potential for nuisance odors to affect a substantial number of people. BMPs that minimize odors shall be considered the priority when in close proximity to sensitive receptors.

## **5.3 Biological Resources**

### **Significant Effect**

The proposed program would have a substantial adverse impact, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service (Impact 3.3-1).

### ***Description of Significant Impact***

Construction of structural BMPs may affect large open space or riparian habitats that would have a higher potential to support special-status wildlife species, such as streams, wetlands, and upland scrub or oak woodlands. Mitigation Measures BIO-1 through BIO-8 require suitability studies for potential BMP sites for their potential to impact valued habitats, and require impact characterization, minimization and compensation for impacts to highly valued habitats in consultation with the USFWS and CDFW. The proposed program will implement BMPs that are designed to retain dry-weather flows, which could reduce wetted area or completely eliminate flows in certain drainages that support sensitive species. Implementation of Mitigation Measures BIO-1 through BIO-8 would help ensure that impacts to downstream biological resources are less than significant for regional and centralized BMPs. The smaller distributed BMPs would not result in significant impacts and would not be required to implement the mitigation measures.

### ***Finding***

The proposed program would have a substantial adverse impact, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or the U.S. Fish and Wildlife

Service. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact, either directly or through habitat modifications, on any sensitive species identified as special-status in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. In consideration of the potential use of the project site by special-status wildlife species, impacts on special-status wildlife species would be significant. Implementation of Mitigation Measures BIO-1 through BIO-8 would reduce impacts to a less-than-significant level.

**BIO-1:** Prior to approving a regional or centralized BMP, the Permittee shall conduct an evaluation of the suitability of the BMP location. Appropriate BMP sites should avoid impacting large areas of native habitats including upland woodlands and riparian forests that support sensitive species to the extent feasible. The evaluation shall include an assessment of potential downstream impacts resulting from flow diversions.

**BIO-2:** Prior to ground-disturbing activities in areas that could support sensitive biological resources, a habitat assessment shall be conducted by a qualified biologist to determine the potential for special-status wildlife species to occur within affected areas, including areas directly or indirectly impacted by construction or operation of the BMPs.

**BIO-3:** If a special-status wildlife species is determined to be present or potentially present within the limits of construction activities, a qualified biologist shall conduct preconstruction surveys of proposed work zones and within an appropriately sized buffer around each area as determined by a qualified biologist within 14 days prior to ground disturbing activities. Any potential habitat capable of supporting a special-status wildlife species shall be flagged for avoidance if feasible.

**BIO-4:** If avoidance of special-status species or sensitive habitats that could support special-status species (including, but not limited to, critical habitat, riparian habitat, and jurisdictional wetlands/waters) is not feasible, the Permittee shall consult with the appropriate regulating agency (USACE/USFWS or CDFW) to determine a strategy for compliance with the Endangered Species Act, California Fish and Game Code, and other regulations protecting special-status species and sensitive habitats. The Permittee shall identify appropriate impact minimization measures and compensation for permanent impacts to sensitive habitats and species in consultation with regulatory agencies. Construction of the project will not begin until the appropriate permits from the regulatory agencies are approved.

**BIO-5:** If construction and vegetation removal is proposed between February 1 and August 31, a qualified biologist shall conduct a pre-construction survey for breeding and nesting birds and raptors within 500-feet of the construction limits to determine and map

the location and extent of breeding birds that could be affected by the project. Active nest sites located during the pre-construction surveys shall be avoided until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist.

**BIO-6:** All construction areas, staging areas, and right-of-ways shall be staked, flagged, fenced, or otherwise clearly delineated to restrict the limits of construction to the minimum necessary near areas that may support special-status wildlife species as determined by a qualified biologist.

**BIO-7:** Prior to construction in areas that could support special-status plants, a qualified botanist shall conduct a pre-construction floristic inventory and focused rare plant survey of project areas to determine and map the location and extent of special-status plant species populations within disturbance areas. This survey shall occur during the typical blooming periods of special-status plants with the potential to occur. The plant survey shall follow the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (November 24, 2009).

**BIO-8:** If temporary construction-related impacts to special-status plant populations are identified within a disturbance area, the implementing agencies shall prepare and implement a special-status species salvage and replanting plan. The salvage and replanting plan shall include measures to salvage, replant, and monitor the disturbance area until native vegetation is re-established under the direction of CDFW and USFWS.

## Significant Effect

The proposed program would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. (Impact 3.3-2)

### *Description of Significant Impact*

Significant Ecological Areas (SEA), as identified by the Los Angeles County General Plan, riparian, and other sensitive communities are not expected to occur within the disturbance areas of the BMP projects since the majority of the structural BMPs would occur in developed or disturbed areas. While some regional and centralized structural BMPs could occur within or adjacent to SEAs, riparian habitat or other sensitive natural communities, these types of BMPs would provide multi-beneficial water quality and habitat restoration improvements to the applicable EWMP watershed. Additionally, each development proposed within a designated SEA must undergo a performance review process for compliance with the SEA design compatibility criteria and other standards for approval by the LA County Department of Regional Planning.

### *Finding*

Future project-level environmental review processes would consider all proposed projects on a case-by-case basis to determine whether an individual project would impact riparian or other sensitive natural communities. Site-specific mitigation measures would be required to minimize

and reduce potentially significant impacts to riparian and other sensitive natural communities. These impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures BIO-1 through BIO-8.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Implementation of Mitigation Measure **BIO-1** through **BIO-8** would reduce impacts to a less-than-significant level.

### **Significant Effect**

The proposed program would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Impact 3.3-3)

### ***Description of Significant Impact***

Wetlands occur throughout the EWMP areas, and once project facility locations are determined, exact locations and acreages of jurisdictional areas located within or adjacent to impact areas shall be determined through a formal jurisdictional delineation. For projects impacting native vegetation within jurisdictional drainages, the implementing agency would be required to obtain California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. In addition, implementation of Mitigation Measures BIO-1 through BIO-9 would ensure compliance with state and federal regulations relating to potentially jurisdictional features, including wash habitat vegetation that may fall under CDFW jurisdiction.

### ***Finding***

Any projects impacting native vegetation within jurisdictional drainages would be required to comply with California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. These impacts would be further reduced to a less-than-significant level with the implementation of the mitigation measures described below.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. Implementation of Mitigation Measures **BIO-1** through **BIO-9** would reduce impacts to a less-than-significant level.

**BIO-9:** Prior to construction, a qualified wetland delineator shall be retained to conduct formal wetland delineation in areas where potential jurisdictional resources (i.e., wetlands or drainages) subject to the jurisdiction of USACE, RWQCB, and CDFW may be

affected by the project. If jurisdictional resources are identified in the EWMP area and would be directly or indirectly impacted by individual projects, the qualified wetland delineator shall prepare a jurisdictional delineation report suitable for submittal to USACE, RWQCB, and CDFW for purposes of obtaining the appropriate permits. Habitat mitigation and compensation requirements shall be implemented prior to construction in accordance with Mitigation Measure BIO-4.

## **Significant Effect**

The proposed program would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Impact 3.3-5)

### ***Description of Significant Impact***

The proposed program would mainly be constructed within highly urbanized and disturbed areas within existing infrastructure. Any impacts to oak trees within Los Angeles County would be required to comply with the Oak Tree Preservation Ordinance (or other tree ordinances established by the local city). A tree permit may be required if impacts to oak trees or other protected trees are determined to be necessary.

### ***Finding***

No impacts to oak trees or other protected tree species is anticipated. However, the exact locations of the BMP projects have not been established. Implementation of Mitigation Measure BIO-10 would reduce any potential impacts to protected tree species to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Implementation of Mitigation Measure BIO-10 would reduce impacts to a less-than-significant level.

**BIO-10:** Oak trees and other protected trees shall be avoided to the extent feasible. If trees may be impacted by project construction, a certified arborist shall conduct a tree inventory of the construction impact area. If any oak trees or other protected trees will be impacted by BMP construction, the implementing agency shall obtain any required County or City permits.

## **Significant Effect**

The proposed program would result in cumulative biological resource impacts.

### ***Description of Significant Impact***

Cumulatively, throughout the region, the retention of stormwater and treatment of pollutants within each watershed, and the reduction of pollutant loading in waterways would substantially benefit the water quality of the region's aquatic and coastal habitats, as well as the plants and wildlife dependent on them. Implementation of the BMPs would also return the local hydrology

to a more natural condition. Although some drainage segments may exhibit reduced riparian habitat or wetlands over time due to the reduced dry-weather flow, the cumulative effect would be offset by increased groundwater recharge and seepage supporting expanded wetland and riparian vegetation supporting local flora and fauna populations. Therefore, the program's potential contribution to cumulative effects on biological resources is considered less than significant.

### ***Finding***

Most of the distributed BMPs would be small in scale and would not result in cumulatively significant impacts, as they would occur within existing developed or disturbed areas at existing stormwater infrastructure/facilities. For regional and centralized BMPs at the larger scale, Mitigation Measures BIO-1 through BIO-10 would reduce potentially significant impacts to biological resources, and any additional or more site-specific mitigation measures developed during the future project-level environmental review processes may further reduce potential impacts.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts to biological resources. Any potentially significant cumulative impacts to biological resources in the project region would be reduced by the implementation of Mitigation Measures BIO-1 through BIO-10.

## **5.4 Cultural Resources**

### **Significant Effect**

The proposed program could cause a substantial adverse change in the significance of unique archaeological resources as defined in §15064.5 (Impact 3.4-2).

### ***Description of Significant Impact***

The program area, which spans most of Los Angeles County, should be considered sensitive for archaeological resources, with degree of sensitivity varying across the program area based on specific environmental factors. Any structural BMP which involves grading, trenching, excavation, vegetation removal, or other forms of ground disturbance could impact archaeological resources.

### ***Finding***

The proposed program's potential to cause a substantial adverse change in the significance of unique archaeological resources is considered significant; however, potential adverse effects caused by the proposed program could be mitigated to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would cause a substantial adverse change in the significance of unique



archaeological resources. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures CUL-2 through CUL-2.

**CUL-2:** Implementing agencies shall ensure that individual EWMP projects that require ground disturbance shall be subject to a Phase I cultural resources inventory on a project-specific basis prior to the implementing agency's approval of project plans. The study shall be conducted or supervised by a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology, and shall be conducted in consultation with the local Native American representatives expressing interest. The cultural resources inventory shall include a cultural resources records search to be conducted at the South Central Coastal Information Center; scoping with the NAHC and with interested Native Americans identified by the NAHC; a pedestrian archaeological survey where deemed appropriate by the qualified archaeologist; and formal recordation of all identified archaeological resources on California Department of Parks and Recreation 523 forms and significance evaluation of such resources presented in a technical report following the guidelines in *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*, Department of Parks and Recreation, Office of Historic Preservation, State of California, 1990.

If potentially significant archaeological resources are encountered during the survey, the implementing agency shall require that the resources are evaluated by the qualified archaeologist for their eligibility for listing in the CRHR and for significance as a historical resource or unique archaeological resource per CEQA Guidelines Section 15064.5. Recommendations shall be made for treatment of these resources if found to be significant, in consultation with the implementing agency and the appropriate Native American groups for prehistoric resources. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred manner of mitigation to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, project reroute or redesign, project cancellation, or identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, which may include data recovery or other appropriate measures, in consultation with the implementing agency, and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.

**CUL-3:** The implementing agency shall retain archaeological monitors during ground-disturbing activities that have the potential to impact archaeological resources qualifying as historical resources or unique archaeological resources, as determined by a qualified archaeologist in consultation with the implementing agency, and any local Native

American representatives expressing interest in the project. Native American monitors shall be retained for projects that have a high potential to impact sensitive Native American resources, as determined by the implementing agency in coordination with the qualified archaeologist.

**CUL-4:** During project-level construction, should subsurface archaeological resources be discovered, all activity in the vicinity of the find shall stop and a qualified archaeologist shall be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the archaeologist shall determine, in consultation with the implementing agency and any local Native American groups expressing interest, appropriate avoidance measures or other appropriate mitigation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, project reroute or redesign, project cancellation, or identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.

## **Significant Effect**

The proposed program could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact 3.4-3).

### ***Description of Significant Impact***

The program area is underlain by a number of high or undetermined paleontological sensitivity units, which may contain significant paleontological resources. Significant paleontological resources can be uncovered even in areas of low sensitivity, though, and it is possible that ground-disturbing construction activities associated with structural BMPs could result in the inadvertent discovery of paleontological resources, which could be a significant impact.

### ***Finding***

The proposed program's potential to directly or indirectly damage or destroy unique paleontological resources or sites or unique geologic features is considered significant; however, potential adverse effects caused by the proposed program could be mitigated to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy paleontological resources or sites or unique geologic

features. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation Mitigation Measures CUL-5 and CUL-6.

**CUL-5:** For individual structural BMP projects that require ground disturbance, the implementing agency shall evaluate the sensitivity of the project site for paleontological resources. If deemed necessary, the implementing agency shall retain a qualified paleontologist to evaluate the project and provide recommendations regarding additional work, potentially including testing or construction monitoring.

**CUL-6:** In the event that paleontological resources are discovered during construction, the implementing agency shall notify a qualified paleontologist. The paleontologist will evaluate the potential resource, assess the significance of the find, and recommend further actions to protect the resource.

## **Significant Effect**

The proposed program could disturb human remains, including those interred outside of formal cemeteries (Impact 3.4-4).

### ***Description of Significant Impact***

There is no indication, either from the archival research results or the archaeological survey, that any particular location in the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact.

### ***Finding***

The proposed program's potential to uncover buried archaeological deposits including human remains is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the disturbing of any human remains, including those interred outside of a formal cemetery. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measure CUL-7.

**CUL-7:** The implementing agency shall require that, if human remains are uncovered during project construction, work in the vicinity of the find shall cease and the County Coroner shall be contacted to evaluate the remains, following the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the Coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). The NAHC will then designate a Most Likely Descendant of the deceased

Native American, who will engage in consultation to determine the disposition of the remains.

## 5.5 Geologic and Mineral Resources

### Significant Effect

The proposed program could be located on a geological unit or soil that is unstable, or that would become unstable as a result of the program, and potentially result in on-site or off-site non-seismically induced geologic hazards such as landslides, lateral spreading, subsidence, collapse or sinkholes, settlement, or slope failure (Impact 3.5-3).

### *Description of Significant Impact*

Infiltration of water into subsurface soils can increase soil instability and result in saturated soils, soil piping through preferential pathways, breakouts due to infiltrated water finding utility trenches and other preferential pathways, and raising the local groundwater levels such that infrastructure foundations and underground structures could be affected by unstable soils. Structural BMPs could potentially be undermined by unstable soils or impact adjacent infrastructure and buildings; Mitigation Measure GEO-1 would reduce the impact to a less-than-significant level.

### *Finding*

The proposed program's potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the program, and potentially result in on-site or off-site non-seismically induced geologic hazards such as landslides, lateral spreading, subsidence, collapse or sinkholes, settlement, or slope failure is considered significant; however, potential adverse effects caused by the proposed program would be mitigated to a less-than-significant level.

### *Brief Explanation of the Rationale for the Finding*

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the project being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the program, and potentially result in on-site or off-site non-seismically induced geologic hazards such as landslides, lateral spreading, subsidence, collapse or sinkholes, settlement, or slope failure. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measure GEO-1.

**GEO-1:** Prior to approval of infiltration BMPs, implementing agencies shall conduct a geotechnical investigation of each infiltration BMP site to evaluate infiltration suitability. If infiltration rates are sufficient to accommodate an infiltration BMP, the geotechnical investigation shall recommend design measures necessary to prevent excessive lateral spreading that could destabilize neighboring structures. Implementing agencies shall implement these measures in project designs.

## Significant Effect

Cumulative impacts on geology and soils would have a less than significant impact on the environment with implementation of mitigation.

### *Description of Significant Impact*

The cumulative effect of multiple infiltration projects could increase the severity of perched or migrating water, which has the potential to inundate underground utilities or structures. Mitigation Measure GEO-1 would minimize the cumulative impact to regional infrastructure from perched or migrating water. The management of groundwater pumping among regional managers prevents impacts to structural foundations resulting from groundwater mounding from existing recharge efforts. Mitigation Measure GEO-2 would reduce the cumulative effects to soil stability from elevated groundwater levels to a less-than-significant level.

### *Finding*

The proposed program's cumulative impact to geology and soils is considered significant; however, potential adverse effects caused by the proposed program would be mitigated to a less-than-significant level.

### *Brief Explanation of the Rationale for the Finding*

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts related to geology and soils. The cumulative project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures GEO-1 and GEO-2.

**GEO-1:** Prior to approval of infiltration BMPs, implementing agencies shall conduct a geotechnical investigation of each infiltration BMP site to evaluate infiltration suitability. If infiltration rates are sufficient to accommodate an infiltration BMP, the geotechnical investigation shall recommend design measures necessary to prevent excessive lateral spreading that could destabilize neighboring structures. Implementing agencies shall implement these measures in project designs.

**GEO-2:** Prior to installing BMPs designed to recharge the local groundwater supplies, the implementing agency shall notify local groundwater managers, including the Upper Los Angeles River Area Water Master, the Water Replenishment District of Southern California, or the San Gabriel Water Master as well as local water producers such as local municipalities and water companies. The implementing agency shall coordinate BMP siting efforts with groundwater managers and producers to mitigate high groundwater levels while increasing local water supplies.

## 5.6 Greenhouse Gas Emissions

The proposed program would not have any environmental effects related to greenhouse gas emissions that are potentially significant but can be mitigated to less-than-significant levels.

## 5.7 Hazards and Hazardous Materials

### Significant Effect

The proposed program would create a significant hazard to the public or the environment through the accumulation of potentially hazardous materials into BMPs (Impact 3.7-2).

### *Description of Significant Impact*

Because of their function as water conveyance systems, the entire storm sewer system, as augmented by structural BMPs, would collect and retain sediment and chemicals from urban runoff, along with any accidental or illicit spills of hazardous materials. The introduction of hazardous materials into the storm sewer system could occur in large events as in a catastrophic spill, or could occur in small concentrations as in petroleum hydrocarbons and heavy metals picked up and carried by stormwater in urban runoff from the streets. Contaminants in the runoff water or as discrete concentrated spills could accumulate in the soils and vegetation of structural BMPs. To address the accumulation of contaminants in soil at BMPs, operations and maintenance plans for BMPs that might accumulate constituents in surface soils and media will be developed to include periodic removal and replacement of these potentially impacted surface materials to reduce the potential for long-term loading leading to hazardous concentrations in soils and groundwater.

### *Finding*

The proposed program has the potential to create a significant hazard to the public or the environment through the accumulation of potentially hazardous materials into BMPs. The implementation of Mitigation Measure HAZ-1 would reduce impacts to a less-than-significant level.

### *Brief Explanation of the Rationale for the Finding*

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the creation of a significant hazard to the public or the environment through the accumulation of potentially hazardous materials into BMPs to less-than-significant. With the implementation of Mitigation Measure HAZ-1, these impacts would be considered less than significant.

**HAZ-1:** Implementing agencies shall prepare and implement maintenance practices that include periodic removal and replacement of surface soils and media that may accumulate constituents that could result in further migration of constituents to sub-soils and groundwater. A BMP Maintenance Plan shall be prepared by Implementing Agencies upon approval of the BMP projects that identifies the frequency and procedures for removal and/or replacement of accumulated debris, surface soils and/or media (to depth where constituent concentrations do not represent a hazardous conditions and/or have the potential to migrate further and impact groundwater) to avoid accumulation of hazardous concentrations and the potential to migrate further to sub-soils and groundwater. The Maintenance Plan shall include vector control requirements. The BMP Maintenance Plan

may consist of a general maintenance guideline that applies to several types of smaller distributed BMPs. For smaller distributed BMPs on private property, these plans may consist of a maintenance covenant that includes requirements to avoid the accumulation of hazardous concentrations in these BMPs that may impact underlying sub-soils and groundwater. Structural BMPs shall be designed to prevent migration of constituents that may impact groundwater.

## **Significant Effect**

The proposed program would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment (Impact 3.7-4).

### ***Description of Significant Impact***

It is possible that a proposed BMP may be located on a hazardous materials site listed on the Cortese List, which would expose construction workers, the public, and the environment to hazardous materials during earth-moving activities, introducing a significant impact.

### ***Finding***

The proposed program has the potential to result in significant impacts related to the project location on a site which is included on a list of hazardous materials sites, and, as a result, could create a significant hazard to the public or the environment. The implementation of Mitigation Measure HAZ-2 would reduce impacts to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measures HAZ-2, these impacts would be considered less than significant.

**HAZ-2:** Prior to the initiation of any construction requiring ground-disturbing activities in areas where hazardous material use or management may have occurred, the implementing agencies shall complete a Phase I Environmental Site Assessment (ESA) in accordance with American Society for Testing and Materials Standard E1527-13 for each construction site. Any recommended follow up sampling (Phase II activities) set forth in the Phase I ESA shall be implemented prior to construction. The results of Phase II studies, if necessary, shall be submitted to the local overseeing agency and any required remediation or further delineation of identified contamination shall be completed prior to commencement of construction.

## **Significant Effect**

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, for a project within the vicinity of a private airstrip, the proposed program could result in a safety hazard for people residing or working in the project area (Impact 3.7-5).

**Description of Significant Impact**

Some structural BMPs, such as detention basins that store water for a period of time or constructed wetlands that would increase or improve wildlife habitat, could be constructed on or near airports and could result in attracting wildlife. Deer and birds are known wildlife hazards to airports. If the proposed project is at or near an airport, this could increase hazards to aircraft from wildlife.

**Finding**

The proposed program, if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, for a project within the vicinity of a private airstrip, has the potential to result in safety hazard for people residing or working in the project area. The implementation of Mitigation Measures HAZ-3 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measures HAZ-3, these impacts would be considered less than significant.

**HAZ-3:** Implementing Agencies shall require that those BMPs that are within an airport land use plan area are compatible with criteria specified in FAA Advisory Circular No: 150/5200-33B (FAA, 2007). If the proposed BMP is within the minimum separation criteria, the implementing agency shall consult with the airport and collaboratively evaluate whether the potential increase in wildlife hazards can be mitigated.

**Significant Effect**

The proposed program would result in cumulatively significant impacts to hazardous materials.

**Description of Significant Impact**

Most of the distributed BMPs would be small in scale and would not result in cumulatively significant impacts due to increased hazards from construction or operation. However, the combination of BMPs throughout the region would change the flow paths of stormwater and urban runoff that currently occurs in the region, resulting in the retention of pollutants generally within the soil of the BMPs that use soil for filtration and retention. Cumulatively, throughout the region, the retention and treatment of pollutants within each watershed and the reduction of pollutant loading in waterways will substantially benefit water and sediment quality of the region's habitats, rivers, and beaches. Therefore, the project's potential contribution to cumulative effects on hazards and hazardous materials is considered beneficial.

**Finding**

The proposed program has the potential to result in cumulatively considerable impacts related to hazardous resources. Hazardous material could be released during project construction or operation. The implementation of appropriate safety measures during construction of the proposed project, as well as any other cumulative project, would reduce the impact to a level that



would not contribute to cumulative effects. Implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ-3 would reduce impacts to less-than-significant levels.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ-3, impacts would be less than significant.

## **5.8 Hydrology and Water Quality**

### **Significant Effect**

The proposed program would result in higher groundwater levels and could potentially affect groundwater quality (Impact 3.8-2).

### ***Description of Significant Impact***

Regional BMPs would recharge stormwater into the groundwater basin and could raise local groundwater levels following major storm events. Distributed infiltration BMPs would typically be too small to have a measureable effect on local groundwater levels. The increased water supplies captured by the infiltration basins through the EWMP areas would be a beneficial impact of the projects. Infiltration BMPs would not be suitable in areas of low permeability, though, and potential locations would need to be evaluated for suitability. Concentrations of contaminants found in stormwater runoff could increase, resulting in contaminated shallow soils and groundwater.

### ***Finding***

The proposed program has the potential to result significant impacts related to higher groundwater levels and degradation of groundwater quality. The implementation of Mitigation Measures HYDRO-1 through HYDRO-3 would reduce impacts to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to higher groundwater levels and potential degradation of groundwater quality to less-than-significant. With the implementation of Mitigation Measures HYDRO-1 through HYDRO-3, these impacts would be considered less than significant.

**HYDRO-1:** Prior to approving an infiltration BMP, the Permittee shall conduct an evaluation of the suitability of the BMP location. Appropriate infiltration BMP sites should avoid areas with low permeability where recharge could adversely affect neighboring subsurface infrastructure.

**HYDRO-2:** Prior to approving an infiltration BMP, the Permittee shall identify pretreatment technologies, type, and depth of filtration media; depth to groundwater; and other design considerations necessary to prevent contaminants from impacting groundwater quality. The design shall consider stormwater quality data within the BMP's

collection area to assess the need and type of treatment and filtration controls. Local design manuals and ordinances requiring minimum separation distance to groundwater shall also be met as part of the design.

**HYDRO-3:** Prior to the installation of an infiltration BMP, the Permittee shall conduct a regulatory database review for contaminated groundwater sites within a quarter mile of the proposed infiltration facility. The review shall include locations of on-site wastewater treatment systems. The Permittee shall identify whether any contaminated groundwater plumes or leach fields are present and whether coordination with the local and state environmental protection overseeing agency and responsible party is warranted prior to final design of infiltration facility.

## 5.9 Land Use and Agriculture

The proposed program would not have any environmental effects on land use that are potentially significant and that cannot be mitigated to less-than-significant levels.

## 5.10 Noise

### Significant Effect

The proposed program would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 3.10-3).

#### *Description of Significant Impact*

No operational noise levels would be generated by the structural BMPs given their passive manner of operation. However, it is anticipated that some of the centralized and regional structural BMPs would require the use of irrigation pump stations and associated components to divert the collected stormwater. At these structural BMP sites, noise levels generated from the long-term operation of the pumps and associated components could result in increased noise levels in the surrounding noise environment.

#### *Finding*

The proposed program has the potential to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The implementation of Mitigation Measures NOISE-1 and NOISE-2 would reduce impacts to a less-than-significant level.

#### *Brief Explanation of the Rationale for the Finding*

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. With the implementation of Mitigation Measures NOISE-1 and NOISE-2 included below, these impacts would be considered less than significant.

**NOISE-1:** The implementing agencies shall implement the following measures during construction as needed:

- Include design measures necessary to reduce the construction noise levels to where feasible. These measures may include noise barriers, curtains, or shields.
- Place noise-generating construction activities (e.g., operation of compressors and generators, cement mixing, general truck idling) as far as possible from the nearest noise-sensitive land uses.
- Locate stationary construction noise sources as far from adjacent noise-sensitive receptors as possible.
- If construction is to occur near a school, the construction contractor shall coordinate the with school administration in order to limit disturbance to the campus. Efforts to limit construction activities to non-school days shall be encouraged.
- For the centralized and regional BMP projects located adjacent to noise-sensitive land uses, identify a liaison for these off-site sensitive receptors, such as residents and property owners, to contact with concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at construction locations.
- For the centralized and regional BMP projects located adjacent to noise-sensitive land uses, notify in writing all landowners and occupants of properties adjacent to the construction area of the anticipated construction schedule at least 2 weeks prior to groundbreaking.

**NOISE-2:** All structural BMPs that employ mechanized stationary equipment that generate noise levels shall comply with the applicable noise standards established by the implementing agency with jurisdiction over the structural BMP site. The equipment shall be designed with noise-attenuating features (e.g., enclosures) and/or located at areas (e.g., belowground) where nearby noise-sensitive land uses would not be exposed to a perceptible noise increase in their noise environment.

## 5.11 Population and Housing and Environmental Justice

The proposed program would not have any environmental effects related to population, housing and environmental justice that would be potentially significant, but could be mitigated to less than significant levels.

## 5.12 Public Services and Recreation

### Significant Effect

The proposed program would not result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered governmental fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protective services (Impact 3.12-1).

### *Description of Significant Impact*

The structural BMPs are not habitable structures, would not be constructed with flammable materials, and would not require fire protection services. Because of the relative scale of these infrastructure improvements, the construction of the various structural BMPs are not expected to result in the need for new or physically altered fire protection facilities. However, construction of new structural BMPs in streets, sidewalks, parkland, or other facilities (these may include public service facilities such as police stations, fire stations, and municipal maintenance yards) within existing high-density urban, commercial, industrial, and transportation areas, as well as associated staging areas, could temporarily disrupt the provision of fire services, resulting in potentially significant impacts.

### *Finding*

The proposed program has the potential to result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. Implementation of Mitigation Measure PS-1 would reduce impacts to a less-than-significant level.

### *Brief Explanation of the Rationale for the Finding*

CEQA requires that all feasible and reasonable mitigation be applied to the project related to significant cumulative impacts associated with public services. With the implementation of Mitigation Measure PS-1, these impacts would be considered less than significant.

**PS-1:** The Permittee implementing the EWMP project shall provide reasonable advance notification to service providers such as fire, police, and emergency medical services as well as to local businesses, homeowners, and other residents adjacent to and within areas potentially affected by the proposed EWMP project about the nature, extent, and duration of construction activities. Interim updates should be provided to inform them of the status of the construction activities.

## 5.13 Transportation and Circulation

### Significant Effect

The proposed program would intermittently and temporarily increase traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways (Impact 3.13-1).

### Description of Significant Impact

Vehicle trips would be generated primarily by construction workers commuting to and from the BMP work sites, and by trucks hauling materials and equipment to and from the sites. The construction traffic impacts associated with each individual structural BMP project would be short-term in nature and limited to the period of time when construction activity is taking place for that particular project. Although project-related traffic would be temporary, supplemental project-level analysis of potential site-specific impacts could determine that addition of project-generated traffic would be considered substantial in relation to traffic flow conditions on local roadways. For this program-level assessment, this impact is considered potentially significant.

### Finding

The proposed program will potentially intermittently and temporarily increase traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways; however, implementation of Mitigation Measure TRAF-1 would reduce impacts to a less-than- significant level.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to temporary and intermittent increase in traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways to less-than-significant. With the implementation of Mitigation Measure TRAF-1, below, this impact would be considered less than significant.

**TRAF-1:** For projects that may affect traffic, implementing agencies shall require that contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following:

- Develop circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.
- To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
- Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.

- Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.

## **Significant Effect**

The proposed program would contribute to cumulative impacts to traffic and transportation (Impact 3.13-4).

### ***Description of Significant Impact***

During construction of the structural BMPs, intermittent and temporary traffic-related impacts in the cumulative context would occur. The proposed program has the potential to contribute to potentially significant cumulative construction-related impacts as a result of (1) cumulative projects (such as land development projects) that generate increased traffic at the same time on the same roads as would the proposed program, causing increased congestion and delays; and (2) infrastructure projects in roads that would be used by project construction workers and trucks, which could delay project-generated vehicles past the work zones of those other projects.

### ***Finding***

The proposed program is expected to cumulatively impact traffic and transportation; however, implementation of Mitigation Measure TRAF-1 is expected to reduce impacts to a less-than-significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to cumulative impacts to traffic and transportation to less than significant. With the implementation of Mitigation Measure TRAF-1, these impacts would be considered less than significant.

## **5.14 Utilities and Service Systems**

### **Significant Effect**

The proposed program would require new or expanded water supply resources or entitlements or require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 3.14-3).

### ***Description of Significant Impact***

Implementation of the EWMPs would not increase water demand due to the relatively short construction period for structural BMPs. Impacts to the existing water supplies are anticipated to be beneficial as a result of the stormwater and non-stormwater runoff infiltration and conservation BMPs implemented across the EWMP areas. Construction requiring ground disturbance could encounter buried utilities including water supply infrastructure. Construction of BMPs to detain stormwater and dry-weather flows may reduce flows downstream, thereby

reducing access to beneficial uses downstream. As part of the project design, Implementing Agencies would be required to identify the potential for underground utilities and determine whether they would need to be relocated to accommodate the BMP. Dry-weather flows in coastal streams and foothills are largely fed by groundwater seepage or wastewater discharges. Any detention of storm flows upstream would not substantially reduce storm flows downstream or significantly impede access to storm flow.

### ***Finding***

The proposed program is not expected to require expansion of existing water entitlements or result in the construction of new facilities that could result in environmental effects; the proposed program would further reduce its impact by implementing Mitigation Measure UTIL-1.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to landfill capacity to less than significant. With the implementation of Mitigation Measure UTIL-1, these impacts would be considered less than significant.

**UTIL-1:** Prior to implementation of BMPs, the implementing agency shall conduct a search for local utilities above and below ground that could be affected by the project. The implementing agencies shall contact each utility potentially affected and relocate the utility if necessary to ensure access and services are maintained.

**UTIL-2:** Prior to approval of BMPs, implementing agencies shall evaluate the potential for impacts to downstream beneficial uses including surface water rights. Implementing agencies shall not approve BMPs that result in preventing access to previously appropriated surface water downstream.

### **Significant Effect**

The proposed program would be served by a landfill with insufficient permitted capacity to accommodate the proposed program's solid waste disposal needs or the proposed program could not comply with federal, state, and local statutes and regulations related to solid waste (Impact 3.14-4).

### ***Description of Significant Impact***

Construction activities associated with the structural BMPs would include excavation and demolition of some existing infrastructure, which would produce solid waste requiring disposal in the nearest landfill. Some of the EWMPs are required to implement trash Total Maximum Daily Limits (TMDLs) and associated trash removal structural BMPs, which would require the disposal of the trash collected by the BMPs, thereby increase the amount of trash being sent to landfills. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which produce debris and trash requiring disposal, which could exceed landfill limits.

The new trash collected that is associated with proposed trash removal structural BMPs and non-structural BMPs such as street cleaning and landscape management would be accommodated with existing and planned trash disposal facilities. Based on landfill capacity in the Los Angeles

region, there appears to be ample availability to receive the expected trash generated by the program. The program would comply with all federal, state, and local statutes and regulations related to solid waste, including the Los Angeles County Construction and Demolition Debris Recycling and Reuse Program.

### ***Finding***

The program is not expected to be served by a landfill with insufficient capacity to accommodate its waste disposal needs and would comply with all solid waste regulations; however, implementation of Mitigation Measure UTIL-2 would further reduce impacts to a less-than-significant level

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to landfill capacity to less than significant. With the implementation of Mitigation Measure UTIL-2, these impacts would be considered less than significant.

**UTIL-3:** Implementing agencies shall encourage construction contractors to recycle construction materials and divert inert solids (asphalt, brick, concrete, dirt, fines, rock, sand, soil, and stone) from disposal in a landfill where feasible. Implementing agencies shall incentivize construction contractors with waste minimization goals in bid specifications where feasible.

### ***Significant Effect***

The proposed program would result in less than significant cumulative impacts to utilities and service systems.

### ***Description of Significant Impact***

Structural BMPs constructed to treat, infiltrate, and/or store stormwater and non-stormwater throughout the watershed would not generate wastewater or require wastewater treatment or result in adverse cumulative impacts from operation or construction. Installation of storm drainage facilities identified in the proposed EWMPs would not substantially affect existing storm drain facilities. Impacts to the existing water supplies are anticipated to be beneficial as a result of the stormwater and non-stormwater runoff infiltration and conservation BMPs implemented across the EWMP areas. Construction and operation of the structural BMPs would generate solid waste; however, landfills serving the program area are expected to have sufficient capacity to accommodate the amount of waste generated. Disposal of the solid waste generated during construction and operation would comply with all pertinent regulations and statutes. All other projects implemented in the area would also be required to comply with federal, state, and local solid waste regulations and statutes. The use of energy anticipated for the proposed program is minor when compared to the County-wide use of electricity. The proposed program would use energy-efficient equipment and would not result in wasteful consumption. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which would produce debris and trash for disposal.



**Finding**

The proposed program would not likely result in cumulative impacts to utilities and service systems. The proposed program would further reduce its cumulative impact on utilities and service systems to a less-than-significant-level by implementing Mitigation Measures UTIL-1 and UTIL-2.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts related to utilities and service systems. With the implementation of Mitigation Measure UTIL-1 and UTIL-2, these impacts would be considered less than significant.

## **6.0 Significant and Unavoidable Environmental Impacts**

As described above in Section 5.0, the impacts identified above as being less than significant with the implementation of mitigation measures could be significant and unavoidable if the proposed mitigation measures are not adopted and implemented by the Implementing Agencies for projects within their jurisdiction. Because the District cannot ensure that these Implementing Agencies will adopt and implement the proposed mitigation measures, the District finds that the impacts identified in section 5.0 may also be significant and unavoidable with respect to projects where the District will not be an implementing agency. The impacts discussed below were identified in the Final Program EIR as being "significant and unavoidable" for the program because they cannot be mitigated to a less-than-significant level.

### **6.1 Aesthetics**

The proposed program would not have any environmental effects on aesthetics that cannot be mitigated to a less-than-significant level.

### **6.2 Air Quality**

**Significant Effect**

The proposed program could violate air quality standards or contribute substantially to an existing or projected air quality violation (Impact 3.2-2).

**Description of Significant Impact**

Construction activities at the individual project sites would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants. Through representative "worst-case" construction scenarios of each structural BMP type, ranging from small-, medium-, and large-scale projects, the magnitude of the daily emissions that can be generated by each structural BMP type is presented. The maximum daily construction emissions for the three structural BMP project types were estimated using the California Emissions Estimator Model (CalEEMod). The

construction-related emissions of criteria air pollutants for the three structural BMP types were modeled based on general information provided in the project description and CalEEMod default settings along with reasonable assumptions based on other similar types of projects. The model found that for smaller BMPs including distributed BMPs, air emissions would not be significant and would not require mitigation measures. For some of the larger regional and centralized BMPs, the model shows that the maximum daily level of construction-generated emissions of NO<sub>x</sub> would exceed the applicable SCAQMD-recommended thresholds under the worst-case construction scenarios. Implementation of Mitigation Measures AIR-1 and AIR-2 would reduce emissions, but they may not reduce these emissions to levels below the SCAQMD thresholds for every structural BMP project, as the amount of emissions generated, the land area that would need disturbing, and the length of the construction schedule for each structural BMP project would vary. Implementation of large regional or centralized BMPs could result in temporary significant and unavoidable air emissions during peak periods of construction.

Long term operation of the proposed program would not result in substantial emissions of criteria air pollutants. There would be no new land use projects which would generate daily vehicle emissions. Inspection and maintenance activities would occur to the project site, but would be periodic throughout the year and would result in minimal emissions. Equipment for pump stations and ancillary components would be electrically powered, so would not generate emissions at the project site.

### ***Finding***

The proposed program would implement projects that could exceed identified emissions thresholds, and therefore have the potential to violate any air quality standard or substantially contribute to an existing or projected air quality violation. Implementation of Mitigation Measures AIR-1 and AIR-2 would help reduce this impact, but construction emissions would remain significant and unavoidable for some larger projects. Impacts from operational emissions would be considered less-than-significant.

### ***Brief Explanation of the Rationale for Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the violation of any air quality standard or substantial contribution to an existing or projected air quality violation. Implementation of Mitigation Measures AIR-1 and AIR-2 would help reduce the impact, but impacts from construction emissions would remain significant and unavoidable for some of the larger projects. Impacts from operational emissions would be less than significant.

**AIR-1:** Implementing agencies shall require for large regional or centralized BMPs the use of low-emission equipment meeting Tier II emissions standards at a minimum and Tier III and IV emissions standards where available as CARB-required emissions technologies become readily available to contractors in the region.

**AIR-2:** For large construction efforts that may result in significant air emissions, implementing agencies shall encourage contractors to use lower-emission equipment through the bidding process where appropriate.

## **Significant Effect**

The proposed program could result in a cumulatively considerable net increase of any criteria pollutant for which the program region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (Impact 3.2-3). The proposed program could result in a significant cumulative impact to air quality.

### ***Description of Significant Impact***

As the Basin is currently in nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, cumulative development consisting of the proposed program along with other reasonably foreseeable future projects in the Basin as a whole could violate an air quality standard or contribute to an existing or projected air quality violation. Under conditions where multiple structural BMPs would be constructed concurrently in the EWMP areas, it is anticipated that the total aggregate construction emissions generated from these multiple structural BMP projects on a daily basis would exceed the SCAQMD's significance thresholds for criteria pollutants. Even with implementation of Mitigation Measures AIR-1 and AIR-2, the resulting aggregate daily emissions may not be reduced to levels below the SCAQMD thresholds should multiple structural BMP projects be constructed concurrently. Thus, construction-related air quality impacts associated with the proposed program would be considered significant and unavoidable. With respect to operational emissions, program implementation would not result in substantial long-term regional emissions of criteria air pollutants and would not exceed the SCAQMD thresholds of significance for criteria pollutants. As such, the proposed program's operational emissions would not be cumulatively considerable and cumulative air quality impacts would be less than significant.

### ***Finding***

As air pollutants for which the Basin is in nonattainment (i.e., ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>) would be emitted as a result of the proposed program in excess of SCAQMD's thresholds for construction activities, these pollutant emissions would, in conjunction with other past, current, and probable future projects, be cumulatively considerable, and cumulative impacts would be significant and unavoidable. Implementation of Mitigation Measures AIR-1 and AIR-2 would reduce cumulative air quality impacts, but not to a level that is less than significant. With respect to operational emissions, program implementation would not result in substantial long-term regional emissions of criteria air pollutants and would not exceed the SCAQMD thresholds of significance for criteria pollutants. As such, the proposed program's operational emissions would not be cumulatively considerable and cumulative air quality impacts would be less than significant.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Even after the implementation of Mitigation Measures AIR-1 and AIR-2, impacts related to cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard remain significant and unavoidable for construction. Program implementation would not result in substantial long-

term regional emissions of criteria pollutants with respect to operational emissions, therefore operational emissions would be less than significant.

**AIR-1:** Implementing agencies shall require for large regional or centralized BMPs the use of low-emission equipment meeting Tier II emissions standards at a minimum and Tier III and IV emissions standards where available as CARB-required emissions technologies become readily available to contractors in the region.

**AIR-2:** For large construction efforts that may result in significant air emissions, implementing agencies shall encourage contractors to use lower-emission equipment through the bidding process where appropriate.

## 6.3 Biological Resources

The proposed program would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.

## 6.4 Cultural Resources

### Significant Effect

The proposed program would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5. (Impact 3.4-1)

#### *Description of Significant Impact*

Implementation of structural BMPs could impact significant historic built environment resources that exist within the program area, which may include not only buildings and structures, but also built infrastructure such as concrete channels, dams, sidewalks, and roads. Impacts to the could include not only physical demolition or alteration of built environment resources, but also changes to the historic setting of a resource, and impacts that may adversely affect that ability of a resource to convey its significance. Similarly, potentially significant buried archaeological resources could still exist within the program area, beneath and between structures and roads. If previously undiscovered artifacts or buried archaeological resources are uncovered during excavation or construction, significant impacts could occur. Not all EWMP projects may result in a significant and unavoidable impact with regard to historical resources, as impacts associated with each project would be dependent on location; presence, nature, and significance of any historical resources within the construction area; and specific impacts to historical resources. In some circumstances, no mitigation is sufficient to maintain the historic integrity of the affected archaeological and other cultural resource or its surroundings, therefore implementation of the proposed program may ultimately result in a substantial adverse change.

#### *Finding*

The proposed program's potential to cause a substantial adverse change in the significance of an historical resource is considered significant. Potential adverse effects caused by the proposed

program could be minimized by mitigation measures; however the impact would remain significant and unavoidable.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would cause a substantial adverse change in the significance of an historical resource. The project impacts are considered significant and unavoidable; implementation of Mitigation Measures CUL-1 through CUL-4 would help minimize impacts.

**CUL-1:** For individual EWMP projects that could impact buildings or structures (including infrastructure) 45 years old or older, implementing agencies shall ensure that a historic built environment survey is conducted or supervised by a qualified historian or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for Architectural History. Historic built environment resources shall be evaluated for their eligibility for listing in the CRHR or local register prior to the implementing agency's approval of project plans. If eligible resources that would be considered historical resources under CEQA are identified, demolition or substantial alteration of such resources shall be avoided. If avoidance is determined to be infeasible, the implementing agency shall require the preparation of a treatment plan to include, but not be limited to, photo-documentation and public interpretation of the resource. The plan will be submitted to the implementing agency for review and approval prior to implementation.

**CUL-2:** Implementing agencies shall ensure that individual EWMP projects that require ground disturbance shall be subject to a Phase I cultural resources inventory on a project-specific basis prior to the implementing agency's approval of project plans. The study shall be conducted or supervised by a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology, and shall be conducted in consultation with the local Native American representatives expressing interest. The cultural resources inventory shall include a cultural resources records search to be conducted at the South Central Coastal Information Center; scoping with the NAHC and with interested Native Americans identified by the NAHC; a pedestrian archaeological survey where deemed appropriate by the qualified archaeologist; and formal recordation of all identified archaeological resources on California Department of Parks and Recreation 523 forms and significance evaluation of such resources presented in a technical report following the guidelines in *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*, Department of Parks and Recreation, Office of Historic Preservation, State of California, 1990.

If potentially significant archaeological resources are encountered during the survey, the implementing agency shall require that the resources are evaluated by the qualified archaeologist for their eligibility for listing in the CRHR and for significance as a historical resource or unique archaeological resource per CEQA Guidelines Section 15064.5. Recommendations shall be made for treatment of these resources if found to be

significant, in consultation with the implementing agency and the appropriate Native American groups for prehistoric resources. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred manner of mitigation to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, project reroute or redesign, project cancellation, or identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, which may include data recovery or other appropriate measures, in consultation with the implementing agency, and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.

**CUL-3:** The implementing agency shall retain archaeological monitors during ground-disturbing activities that have the potential to impact archaeological resources qualifying as historical resources or unique archaeological resources, as determined by a qualified archaeologist in consultation with the implementing agency, and any local Native American representatives expressing interest in the project. Native American monitors shall be retained for projects that have a high potential to impact sensitive Native American resources, as determined by the implementing agency in coordination with the qualified archaeologist.

**CUL-4:** During project-level construction, should subsurface archaeological resources be discovered, all activity in the vicinity of the find shall stop and a qualified archaeologist shall be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the archaeologist shall determine, in consultation with the implementing agency and any local Native American groups expressing interest, appropriate avoidance measures or other appropriate mitigation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, project reroute or redesign, project cancellation, or identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.

## Significant Effect

The proposed program would result in cumulatively significant impacts to cultural resources.

### ***Description of Significant Impact***

Cumulative impacts to cultural resources in the cultural resources geographic scope of analysis could occur if other existing or proposed projects, in conjunction with the proposed program, had or would have impacts on cultural resources that, when considered together, would be significant. With implementation of Mitigation Measures CUL-2, CUL-3 and CUL-4, cumulatively significant environmental impacts to unique archaeological resources would be reduced to a less than significant level. With implementation of Mitigation Measures CUL-5 and CUL-6, cumulative impacts to paleontological resources would be less than significant. Further, implementation of CUL-7 would reduce potentially significant impacts to human remains should they be encountered during ground-disturbing activities to a less-than-significant level. Implementation of the proposed program may ultimately result in a substantial adverse change to historical resources through various development activities for which no possible mitigation may be available to maintain the historic integrity of the affected resource or its surroundings, and impacts to historical resources would remain significant and unavoidable at a program level. Therefore, the implementation of structural BMPs may contribute to a cumulatively significant environmental impact to historical resources.

### ***Finding***

The proposed program has the potential to result in cumulatively considerable impacts related to cultural resources, specifically in regard to substantial adverse changes in the significance of historical resources resulting from excavation activities associated with projects in the cumulative impacts scenario. The implementation of Mitigation Measures CUL-1 through CUL-7 would reduce impacts relating to unique archaeological resources, paleontological resources, and human remains to a less-than-significant level, however, these mitigation measures would not reduce impacts to historical resources below a significant level.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures CUL-1 through CUL-7, these cumulative cultural resource impacts would be reduced, but still considered significant and unavoidable.

## **6.5 Geologic and Mineral Resources**

The proposed program would not have any environmental effects related to geology and soils that cannot be mitigated to a less-than-significant level.

## **6.6 Greenhouse Gas Emissions**

The proposed program would not have any environmental effects related to greenhouse gas emissions that cannot be mitigated to a less-than-significant level.

## 6.7 Hazards and Hazardous Materials

The proposed program would not have any environmental effects related to hazards and hazardous materials that cannot be mitigated to a less-than-significant level.

## 6.8 Hydrology and Water Quality

The proposed program would not have any environmental effects on hydrology and water quality that cannot be mitigated to a less-than-significant level.

## 6.9 Land Use and Agriculture

The proposed program would not have any environmental effects on land use and planning that cannot be mitigated to a less-than-significant level.

## 6.10 Noise

### **Significant Effect**

The proposed program would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Impact 3.10-1).

### ***Description of Significant Impact***

The proposed program would result in a temporary increase in noise levels during construction at the project sites. Noise generated during temporary construction is anticipated, and because of the possibility that certain structural BMP projects may exceed noise levels established by their respective local jurisdictions, this impact would be significant and unavoidable.

### ***Finding***

The proposed program has the potential to result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Implementation of Mitigation Measures NOISE-1 and NOISE-2 would reduce the proposed program's construction-related noise levels by requiring the project contractor to locate equipment such that noise is directed away from sensitive receptors and to maintain noise controls on standard construction equipment. In addition, the mitigation measures would require a construction noise coordinator to resolve complaints about noise. However, even with the project's adherence to all applicable noise requirements and guidelines in addition to implementation of Mitigation Measures NOISE-1 and NOISE-2, it is anticipated that there would be times during the project's construction activities where the nearest sensitive receptors would be exposed to a perceptible increase in noise levels. Therefore, the project would result in perceptible increases in noise levels during construction and this impact would be considered significant and unavoidable.



### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Even with the implementation of Mitigation Measures NOISE-1 and NOISE-2, these impacts would still be considered significant and unavoidable.

### **Significant Effect**

The proposed program would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 3.10-4).

### ***Description of Significant Impact***

During construction of the distributed, centralized, and regional structural BMPs, temporary or periodic increases in noise levels in and around each structural BMP site would result from the operation of construction equipment. Where a structural BMP site is located within 25 feet of an existing noise-sensitive land use, the resulting construction noise levels at that existing land use could reach as high as 95 dBA  $L_{eq}$  during excavation activities, which would result in a substantial noise increase over existing ambient noise levels at that existing land use. Therefore this impact would be significant and unavoidable. The identification of a significant and unavoidable program-level impact in this Program EIR for the proposed program, however, does not preclude the finding of future less-than-significant impacts for individual structural BMP projects.

### ***Finding***

The proposed program has the potential to result in a substantial temporary or periodic increase in ambient noise levels above levels existing without the project in the vicinity of individual projects. Implementation of Mitigation Measure NOISE-1 would reduce the project's construction-related noise levels by requiring the project contractor to locate equipment such that noise is directed away from sensitive receptors and to maintain noise controls on standard construction equipment. In addition, the mitigation measures would require a construction noise coordinator to resolve complaints about noise. However, even with the project's adherence to all applicable noise requirements and guidelines in addition to implementation of the mitigation measure, it is anticipated that there would be times during the project's construction activities where the nearest sensitive receptors would be exposed to a perceptible change in noise levels. Therefore, the proposed program would result in perceptible increases in noise levels during construction and this impact would be considered significant and unavoidable.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to a substantial temporary or periodic increase in ambient noise levels. With the implementation of Mitigation Measure NOISE-1 included, impacts would still be significant and unavoidable during construction.

## **Significant Effect**

The proposed program would result in significant cumulative construction noise impacts.

### ***Description of Significant Impact***

Noise and vibration are both defined as localized phenomena that significantly reduce in magnitude as distance from the source increases. The structural BMPs associated with the proposed program would be constructed in multiple jurisdictions of Los Angeles County, which aside from the County also includes 46 cities and LACFCD. As such, these structural BMP projects would be generally spread over a large geographic area within the County. These structural BMPs in combination with other current and planned projects in the County would result in an increase in construction-related noise levels, which would temporarily increase the ambient noise levels of the existing noise environment in areas where a construction project would occur. This would result in significant and unavoidable impacts for construction.

### ***Finding***

The proposed program has the potential to result in the exposure of persons to noise levels in excess of applicable standards. Even with implementation of Mitigation Measures NOISE-1 and NOISE-2, impacts would still be significant and unavoidable during construction.

### ***Brief Explanation of the Rationale for the Finding***

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to inappropriate noise levels. Even with implementation of Mitigation Measures NOISE-1 and NOISE-2, impacts would still be significant and unavoidable during construction.

## **6.11 Population and Housing and Environmental Justice**

The proposed program would not have any environmental effects on population, housing and environmental justice that cannot be mitigated to a less-than-significant level.

## **6.12 Public Services and Recreation**

The proposed program would not have any environmental effects on public services and recreation that cannot be mitigated to a less-than-significant level.

## **6.13 Transportation and Circulation**

The proposed program would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

## **6.14 Utilities and Service Systems**

The proposed program would not have any environmental effects on utilities that cannot be mitigated to a less-than-significant level.

## 7.0 Findings Regarding Project Alternatives

The following findings and brief explanation of the rationale for the findings regarding program alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the *CEQA Guidelines*.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed program. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the program's significant effects. Thus, objectives for the proposed program were considered by this board in evaluating the alternatives. These objectives are:

- To collaborate among agencies (Permittee jurisdictions) across the watershed to promote more cost-effective and multi-beneficial water quality improvement projects to comply with the MS4 Permit;
- To develop watershed-wide EWMPs that will, once implemented, remove or reduce pollutants from dry- and wet-weather urban runoff in a cost-effective manner; and
- To reduce the impact of stormwater and non-stormwater on receiving water quality.

### 7.1 No Program Alternative

Under this alternative, the existing land uses on the project site would continue to operate as they do under existing conditions. The existing land uses would continue for an indefinite period and no physical changes within the proposed program area would occur. In addition, existing ancillary structures, such as buildings, roadways and parkways within the project area, would remain in their current capacity. The No Project Alternative would maintain the current zoning and land use designations.

#### ***Finding***

This alternative would not meet the first and second objectives to collaborate among agencies across the watershed to prepare EWMPs that promote more cost-effective and multi-beneficial water quality improvement projects. However, compliance with the MS4 Permit is still required regardless of implementation of the EWMP. Under the No Project Alternative some water quality projects would be implemented in an effort to achieve compliance with the MS4 permit.

This alternative would result in slightly greater impacts to air quality with regards to emissions generated, because the programs would need to be installed rapidly and more BMPs would likely be required as a result of the inefficiencies of multiple boundaries. Hydrology and water quality impacts would also be greater, as an installation grace period would not be granted for BMPs outside of the EWMP, increasing the likelihood of noncompliance with the MS4 Permit. All other impacts would be similar under this alternative when compared with the proposed program. This

alternative would not eliminate significant and unavoidable impacts when associated with the proposed project.

## **7.2 Non-Structural BMPs Only Project Alternative**

This alternative would involve implementation of the proposed program and its associated non-structural BMPs only. No structural BMPs would be implemented.

### ***Finding***

This alternative would not meet any of the objectives of the proposed program to collaborate among agencies to promote more cost-effective and multi-beneficial water quality improvement projects and to prepare EWMPs to reduce pollutant loading. Non-Structural BMPs are generally implemented individually in each jurisdiction.

Since no facilities would be constructed, temporary impacts to the environment would be less than the proposed program for many topic areas. However, impacts to population and housing, land use, and recreation would be greater than the proposed program. This alternative would result in greater impacts to aesthetics, as it would not include green-streets and grassy swales that would improve local aesthetics. Impacts to hydrology and water quality would also be greater under this alternative, as achieving water quality objectives with no structural BMPs would be unlikely.

## **7.3 Distributed Structural and Non-Structural BMPs Only Program Alternative (No Centralized or Regional)**

This alternative would involve implementation of the proposed program and only its associated distributed structural BMPs and non-structural BMPs.

### ***Finding***

This alternative would achieve the first and third project objectives to collaborate among agencies to promote more cost-effective and multi-beneficial water quality improvement projects that reduce the impact of stormwater on receiving water quality. However, it would likely require more BMPs to meet the MS4 Permit water quality objectives, as distributed structural BMPs tend to be smaller in nature and are located in a wide distribution throughout the watershed. Therefore, it would not meet the second project objective (developing EWMPs that will remove or reduce pollutants from urban runoff and removal of stormwater and non-stormwater impacts on receiving water quality).

Since much of the impacts of program implementation would occur during construction of the large-scale regional and centralized BMPs, this alternative would result in fewer construction impacts than the proposed project and fewer impacts to aesthetics. However, the alternative would result in greater impacts to land use planning/agriculture, as eliminating the use of large open space areas for BMPs would require a more dispersed land use acquisition for small scale BMPs, thereby increasing potential land use compatibility impacts. This alternative would

eliminate the water quality benefit and more likely potential to comply with the MS4 Permit provided by large-scale regional BMPs, and would therefore result in greater hydrology and water quality impacts. All other impacts under this alternative would be similar to the proposed program.

## 7.4 Environmentally Superior Alternative

The purpose of the alternatives analysis is to consider a reasonable range of alternatives that could feasibly attain most of the basic project objectives and avoid or substantially lessen significant program impacts.

The *CEQA Guidelines* require the identification of an environmentally superior alternative of a project other than or the “no project” alternative (CEQA Guidelines Section 15126.6 (e)(2)). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

### **Finding**

The Environmentally Superior Alternative would be the proposed program itself. The proposed program would avoid increasing the impacts to hydrology and water quality that would occur under all three of the alternatives.

The No Program Alternative would require that individual Permittees design and construct BMPs locally to achieve MS4 Permit compliance. None of the significant and unavoidable impacts of the proposed alternative would be avoided by this alternative. Furthermore, since the ability to achieve compliance with MS4 Permit water quality objectives would be reduced if each Permittee were on their own, impacts to hydrology and water quality would be greater under this alternative.

The Distributed Structural BMPs Only Alternative would result in construction of an increased number of distributed BMPs. This alternative would result in fewer impacts to air quality, cultural resources and noise, and would therefore reduce the significant and unavoidable impacts associated with the proposed program. However, since the ability to achieve compliance with MS4 Permit water quality objectives would be reduced without the larger-scale centralized and regional BMPs, impacts to hydrology and water quality would be greater under this alternative.

The Non-Structural BMPs Only Alternative would avoid all of the significant and unavoidable impacts associated with construction of the structural BMPs. In addition, nearly all of the impacts associated with the proposed alternative would be avoided, including impacts from infiltration to neighboring subsurface structures, mobilization of contaminants, and site-specific impacts to cultural and biological resources. However, since the ability to achieve compliance with MS4 Permit water quality objectives would be substantially reduced, impacts to water quality would be greater under this alternative, and compliance with the MS4 Permit would be unlikely. Even though this alternative would avoid significant and unavoidable impacts of construction and

operation of structural BMPs, the failure to meet water quality objectives and achieve MS4 Permit compliance would outweigh the avoidance of the other impacts.

Since the proposed alternative would provide the best chance of achieving regional water quality objectives, it is considered the environmentally superior alternative.

**Exhibit C**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

**State CEQA Guidelines Section 15093**

**For**

**Enhanced Watershed Management Programs**

**Final Program Environmental Impact Report  
(SCH# 2014081106)**

**Lead Agency: Los Angeles County Flood Control District**

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Enhanced Watershed Management Programs (EWMP) would result in some environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures proposed for the program, would remain significant and unavoidable adverse impacts, as discussed in the final program environmental impact report (PEIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

***Air Quality***

- 1) Impact 3.2-2 (The project would violate air quality standards or contribute substantially to an existing or projected air quality violation). Construction of large regional or centralized BMPs associated with the proposed program could result in temporary significant and unavoidable air emissions during peak periods of construction. The exceedance of applicable SCAQMD-recommended air quality thresholds would be generated primarily during the grading phase of proposed projects, when emissions associated with off-road construction equipment and on-road soil hauling activities would occur. Mitigation measures are incorporated to reduce the severity of the emissions during construction by requiring the use of low-emission equipment which meets Tier II emissions standards at a minimum. However, because there are no feasible mitigation measures that can be implemented to prevent violation of air quality standards during construction, impacts to air quality would remain significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2.
- 2) Impact 3.2-3 (The project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)). The proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment. The Los Angeles Basin is currently in nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, which indicates that combined

with other reasonably foreseeable future projects in the Basin, the proposed program could violate an air quality standard. Even with implementation of mitigation measures, the resulting aggregate daily emissions may not be reduced to levels below the SCAQMD thresholds should multiple structural BMP projects be constructed concurrently throughout the Basin. As pollutants for which the Basin is in nonattainment (i.e., ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>) could exceed SCAQMD's respective thresholds for construction, these pollutant emissions would be cumulatively considerable, and impacts would be significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2. Operational emissions for the program would not exceed air quality standards therefore would not be cumulatively considerable; cumulative air quality impacts would be less than significant after implementation of structural BMPs.

### **Cultural Resources**

- 3) Impact 3.4-1 (The project would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5.). The proposed project would result in significant and unavoidable impacts to historical resources in the project area. Historical resources can include not only buildings and structures, but also any object, site area, place, record, or manuscript which a lead agency determines to be historically significant, or which is listed in or determined eligible for listing in the CRHR. Known archaeological resources, as well as unknown and unrecorded archaeological resources that may be unearthed during construction activities associated with implementation of structural BMPs, could be impacted by individual projects. As program implementation actions move forward, individual projects would undergo additional CEQA review prior to construction to assess impacts to specific cultural resources not addressed in this program-level EIR. Mitigation measures will be implemented to lessen impacts to historical resources through historic built environment surveys, cultural resources inventories, archaeological monitoring, and assessment of findings if applicable during ground-disturbing operations. However, because the degree of impact and the applicability, feasibility, and success of these measures cannot be accurately predicted for each specific project at this time, the program level impact related to archaeological and cultural resources that qualify as historical resources is considered significant and unavoidable. With implementation of Mitigation Measures CUL-1 through CUL-4, impacts would remain significant and unavoidable.
- 4) Cumulative Impact, Cultural Resources (The project would result in cumulative impacts to cultural resources). Development of the proposed project together with simultaneous development of nearby, reasonably foreseeable planned projects in the area would result in significant cumulative cultural resources impacts. The program could cause impacts on cultural and paleontological resources during the construction period or as a result of operation and maintenance or closure and decommissioning activities. Cumulative impacts to cultural resources in the cultural resources geographic scope of analysis could occur if other existing or proposed projects, in conjunction with the proposed program, had or would have impacts on cultural resources that, when considered together, would be significant. While implementation of mitigation measures would reduce impacts to historical resources, the proposed program may ultimately result in a substantial adverse change to historical resources through development activities for which no possible mitigation may be available to maintain historic integrity of an affected resource or its surroundings. Therefore, despite implementation of Mitigation Measures CUL-1 through CUL-7, the program would have cumulatively significant and unavoidable environmental impact to historical resources.



## Noise

- 5) Impact 3.10-1 (The proposed project would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies). During construction of the proposed program, noise levels would be increased temporarily and intermittently to levels substantially greater than existing ambient noise levels in the area. Mitigation measures would help reduce construction noise impacts, requiring construction activities to be conducted in accordance with the applicable local noise regulations and standards, the implementation of noise reduction devices and techniques during construction activities, and advance notification to the surrounding noise-sensitive receptors of a structural BMP site about upcoming construction activities and their hours of operation. Certain structural BMP projects may exceed noise levels established by their respective local jurisdictions, though, which would make this impact significant and unavoidable despite implementation of Mitigation Measures NOISE-1 and NOISE-2.
- 6) Impact 3.10-4 (The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project). During construction of the distributed, centralized, and regional structural BMPs, temporary or periodic increases in noise levels in and around each structural BMP site would result from the operation of construction equipment. Under circumstances where structural BMP sites are located immediately adjacent to existing sensitive land uses, the noise impacts related to a substantial temporary or periodic increase in ambient noise levels above levels existing without the structural BMPs would remain significant, even with implementation of mitigation measures. Individual project-level assessment in the future, though, may result in a finding of less-than-significant for temporary increases in noise levels. Despite implementation of Mitigation Measure NOISE-1, the impact would remain significant and unavoidable for this program.
- 7) Cumulative Impact, Noise (The project would result in significant cumulative construction noise impacts). Construction of the structural BMPs, in combination with other current and planned projects in the County would result in an increase in construction-related noise levels, which would temporarily increase the ambient noise levels of the existing noise environment in areas where a construction project would occur. Despite implementation of Mitigation Measures NOISE-1 and NOISE-2, cumulative impacts for construction would remain significant and unavoidable.

In addition to the impacts identified above, the District finds that the following impacts are significant and unavoidable solely because the mitigation proposed to reduce these impacts to less-than-significant levels is within the control and jurisdiction of other public agencies who will be implementing the EWMPs. Although the District will implement these mitigation measures for projects over which it has jurisdiction, the District cannot ensure that other Implementing Agencies will adopt and implement the proposed mitigation measures for projects over which they have jurisdiction. The District therefore cannot state with certainty that these impacts will be mitigated to less-than-significant levels, meaning that they may remain significant and unavoidable. The statement of overriding considerations is therefore also made for the following impacts:

## Aesthetics

- 8) Impact 3.1-1 (The proposed program could create a substantial adverse effect on a scenic vista). During construction, equipment and materials required for temporary ground disturbances would

be visible from public vantage points, but would not affect any scenic vistas past the temporary construction periods. Given the predominantly urban character of potential pump station sites and temporary nature of construction activities, impacts would be considered less than significant. A majority of structural BMPs would be located underground and would not introduce impacts to scenic vistas. Aboveground structures such as pump stations would be located in urbanized areas and would generally be single-story buildings. Such aboveground structures have the potential to impact scenic vistas, but will be required to be designed so as not to contrast existing neighborhood aesthetic features. The Program EIR identified Mitigation Measure AES-1 that would reduce impacts to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 9) Impact 3.1-2 (The proposed program could substantially damage scenic resources, including but not limited to, trees, rocks, outcroppings, and historic buildings within a state scenic highway). Parts of the proposed program may be visible from designated scenic highways or other locally designated scenic roadways in the project area. Rock outcroppings and historic buildings would likely not be disturbed by the project as most of the BMPs will be underground and not visible after construction is complete. Construction of the proposed program would involve removal of vegetation from individual project sites. Larger structures may result in significant impacts to scenic resources within state scenic highway. The Program EIR identified Mitigation Measure AES-1 that would reduce impacts to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 10) Impact 3.1-3 (The proposed program could substantially degrade the existing visual character or quality of the site and its surroundings). Construction activities would visually degrade the project site and its surroundings as a result of the appearance of demolition materials, excavated areas, stockpiles, and other materials. Due to the temporary nature of construction, these adverse effects are considered less than significant. Once constructed, the BMPs would be located predominantly in urban areas and largely underground, which will not have a permanent effect on the visual character or quality of an area. Aboveground structures may degrade existing visual character of project areas as they will add to the visual landscape. Without proper maintenance of BMPs, especially wet ponds or constructed wetlands, there is a potential for substantial degradation of existing visual quality of project sites due to algal growth or public littering. The Program EIR identified Mitigation Measures AES-1 and AES-2 that would reduce impacts to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 11) Cumulative Impact, Aesthetics (The proposed program would result in a less than significant cumulative aesthetic impact with mitigation). Cumulative projects in the program region have the potential to result in cumulative impacts to aesthetic resources if they would result in the removal or substantial adverse change of visual character or image of a neighborhood, community, state scenic highway, or localized area. Given that the BMPs will be located in primarily urbanized areas, introduction of structural BMPs would result in only minor changes to the visual landscape. The cumulative impacts of aboveground structures could have a significant impact to the aesthetic environment due to their potential size and location. Overall, implementation of BMPs is anticipated to have a positive impact on the aesthetic environment through the creation of open space areas and less impervious surfaces in urbanized or residential areas. The Program EIR identified Mitigation Measures AES-1 and AES-2 that would reduce cumulative impacts

associated with aesthetics to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### **Air Quality**

- 12) Impact 3.2-4 (The proposed program could expose sensitive receptors to substantial pollutant concentrations). While construction-related traffic on local roadways would occur during construction, the net increase of construction vehicle trips to the existing traffic volumes on local roadways would be relatively small and would not result in carbon monoxide (CO) hotspots. These construction-related trips would only occur in the short-term, and because trip-generating land uses are not associated with the proposed program, impacts associated with CO hotspots would be less than significant. Off-road heavy-duty diesel equipment would be used only temporarily at each individual structural BMP site, therefore the construction activities associated with each structural BMP project in the EWMP areas would not expose sensitive receptors to substantial emissions of TACs. During construction of the individual structural BMPs in the project area, sensitive receptors such as residences, schools, hospitals, and daycare centers would be exposed to significant adverse localized air quality impacts. Operation of structural BMPs would not involve the emission of toxic air contaminants (TAC), and would operate passively without use of mechanical equipment. Project operation would not introduce health risks associated with TAC emissions. Construction activities could expose sensitive receptors to criteria air pollutants from vehicle exhaust and dust. Depending on the size and scope of the individual structural BMPs, a localized significance threshold (LST) analysis may be required to ensure construction emissions would not exceed SCAQMD's LSTs or result in pollutant emissions that would cause or contribute to the exceedance of the most stringent applicable federal or state ambient air quality standards. The Program EIR identified Mitigation Measure AIR-3 that would reduce this impact to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 13) The proposed program could create objectionable odors affecting a substantial number of people (Impact 3.2-5). The proposed program does not include any uses typically associated with odor complaints including agricultural uses, wastewater treatment plants, food processing plans, and landfills, among others. During the construction phase, exhaust odors from equipment may produce discernible odors typical of most construction sites and would be a temporary source of nuisance to adjacent uses. These odors would be temporary and intermittent in nature, so would not be considered a significant environmental impact. Certain BMPs such as restored creeks and estuaries may result in odors from saturated mud or algal blooms when left permanently wet. This may result in a severe nuisance for sensitive receptors near such BMPs, and regular maintenance may be sufficient to reduce odors in some situations. The Program EIR identified Mitigation Measures AES-2 and AIR-4 that would reduce impacts to a less-than-significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### **Biological Resources**

- 14) Impact 3.3-1 (The proposed program would have a substantial adverse impact, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service). Construction of structural BMPs may affect large open space or

riparian habitats that would have a higher potential to support special-status wildlife species, such as streams, wetlands, and upland scrub or oak woodlands. Mitigation Measures BIO-1 through BIO-8 require suitability studies for potential BMP sites for their potential to impact valued habitats, and require impact characterization, minimization and compensation for impacts to highly valued habitats in consultation with the USFWS and CDFW. The proposed program will implement BMPs that are designed to retain dry-weather flows, which could reduce wetted area or completely eliminate flows in certain drainages that support sensitive species. The Program EIR identified Mitigation Measures BIO-1 through BIO-8 that would reduce the impact to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 15) Impact 3.3-2 (The proposed program would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS). Significant Ecological Areas (SEA), as identified by the Los Angeles County General Plan, riparian, and other sensitive communities are not expected to occur within the disturbance areas of the BMP projects since the majority of the structural BMPs would occur in developed or disturbed areas. While some regional and centralized structural BMPs could occur within or adjacent to SEAs, riparian habitat or other sensitive natural communities, these types of BMPs would provide multi-beneficial water quality and habitat restoration improvements to the applicable EWMP watershed. Additionally, each development proposed within a designated SEA must undergo a performance review process for compliance with the SEA design compatibility criteria and other standards for approval by the LA County Department of Regional Planning. Future project-level environmental review processes would consider all proposed projects on a case-by-case basis to determine whether an individual project would impact riparian or other sensitive natural communities. Site-specific mitigation measures would be required to minimize and reduce potentially significant impacts to riparian and other sensitive natural communities. The Program EIR identified Mitigation Measures BIO-1 through BIO-8 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 16) Impact 3.3-3 (The proposed program would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means). Wetlands occur throughout the EWMP areas, and once project facility locations are determined, exact locations and acreages of jurisdictional areas located within or adjacent to impact areas shall be determined through a formal jurisdictional delineation. For projects impacting native vegetation within jurisdictional drainages, the implementing agency would be required to obtain California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. In addition, implementation of Mitigation Measures BIO-1 through BIO-9 would ensure compliance with state and federal regulations relating to potentially jurisdictional features, including wash habitat vegetation that may fall under CDFW jurisdiction. Any projects impacting native vegetation within jurisdictional drainages would be required to comply with California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. The Program EIR identified Mitigation Measures BIO-1 through BIO-9 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 17) Impact 3.3-5 (The proposed program would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance). The proposed program would mainly be constructed within highly urbanized and disturbed areas within existing infrastructure. Any impacts to oak trees within Los Angeles County would be required to comply with the Oak Tree Preservation Ordinance (or other tree ordinances established by the local city). A tree permit may be required if impacts to oak trees or other protected trees are determined to be necessary. The Program EIR identified Mitigation Measure BIO-10 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 18) Cumulative Impacts, Biological Resources (The proposed program would result in cumulative biological resource impacts). Cumulatively, throughout the region, the retention of stormwater and treatment of pollutants within each watershed, and the reduction of pollutant loading in waterways would substantially benefit the water quality of the region's aquatic and coastal habitats, as well as the plants and wildlife dependent on them. Implementation of the BMPs would also return the local hydrology to a more natural condition. Although some drainage segments may exhibit reduced riparian habitat or wetlands over time due to the reduced dry-weather flow, the cumulative effect would be offset by increased groundwater recharge and seepage supporting expanded wetland and riparian vegetation supporting local flora and fauna populations. Therefore, the program's potential contribution to cumulative effects on biological resources is considered less than significant. For regional and centralized BMPs at the larger scale, the Program EIR identified Mitigation Measures BIO-1 through BIO-10 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### **Cultural Resources**

- 19) Impact 3.4-2 (The proposed program could cause a substantial adverse change in the significance of unique archaeological resources as defined in §15064.5). The program area, which spans most of Los Angeles County, should be considered sensitive for archaeological resources, with degree of sensitivity varying across the program area based on specific environmental factors. Any structural BMP which involves grading, trenching, excavation, vegetation removal, or other forms of ground disturbance could impact archaeological resources. The Program EIR identified Mitigation Measures CUL-2 through CUL-4 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 20) Impact 3.4-3 (The proposed program could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature). The program area is underlain by a number of high or undetermined paleontological sensitivity units, which may contain significant paleontological resources. Significant paleontological resources can be uncovered even in areas of low sensitivity, though, and it is possible that ground-disturbing construction activities associated with structural BMPs could result in the inadvertent discovery of paleontological resources, which could be a significant impact. The Program EIR identified Mitigation Measures CUL-5 and CUL-6 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 21) Impact 3.4-4 (The proposed program could disturb human remains, including those interred outside of formal cemeteries). There is no indication, either from the archival research results or the archaeological survey, that any particular location in the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact. The proposed program's potential to uncover buried archaeological deposits including human remains is considered significant. The Program EIR identified Mitigation Measures CUL-7. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

### ***Geologic and Mineral Resources***

- 22) Impact 3.5-3 (The proposed program could be located on a geological unit or soil that is unstable, or that would become unstable as a result of the program, and potentially result in on-site or off-site non-seismically induced geologic hazards such as landslides, lateral spreading, subsidence, collapse or sinkholes, settlement, or slope failure). Infiltration of water into subsurface soils can increase soil instability and result in saturated soils, soil piping through preferential pathways, breakouts due to infiltrated water finding utility trenches and other preferential pathways, and raising the local groundwater levels such that infrastructure foundations and underground structures could be affected by unstable soils. Structural BMPs could potentially be undermined by unstable soils or impact adjacent infrastructure and buildings. The Program EIR identified Mitigation Measure GEO-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 23) Cumulative Impacts, Geologic and Mineral Resources (Cumulative impacts on geology and soils would have a less than significant impact on the environment with implementation of mitigation). The cumulative effect of multiple infiltration projects could increase the severity of perched or migrating water, which has the potential to inundate underground utilities or structures. Mitigation Measure GEO-1 would minimize the cumulative impact to regional infrastructure from perched or migrating water. The management of groundwater pumping among regional managers prevents impacts to structural foundations resulting from groundwater mounding from existing recharge efforts. Mitigation Measure GEO-2 would reduce the cumulative effects to soil stability from elevated groundwater levels to a less-than-significant level. The Program EIR identified Mitigation Measures GEO-1 and GEO-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### ***Hazards and Hazardous Materials***

- 24) Impact 3.7-2 (The proposed program would create a significant hazard to the public or the environment through the accumulation of potentially hazardous materials into BMPs). Because of their function as water conveyance systems, the entire storm sewer system, as augmented by structural BMPs, would collect and retain sediment and chemicals from urban runoff, along with any accidental or illicit spills of hazardous materials. The introduction of hazardous materials into the storm sewer system could occur in large events as in a catastrophic spill, or could occur in small concentrations as in petroleum hydrocarbons and heavy metals picked up and carried by stormwater in urban runoff from the streets. Contaminants in the runoff water or as discrete

concentrated spills could accumulate in the soils and vegetation of structural BMPs. To address the accumulation of contaminants in soil at BMPs, operations and maintenance plans for BMPs that might accumulate constituents in surface soils and media will be developed to include periodic removal and replacement of these potentially impacted surface materials to reduce the potential for long-term loading leading to hazardous concentrations in soils and groundwater. The Program EIR identified Mitigation Measure HAZ-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 25) Impact 3.7-4 (The proposed program would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment). It is possible that a proposed BMP may be located on a hazardous materials site listed on the Cortese List, which would expose construction workers, the public, and the environment to hazardous materials during earth-moving activities, introducing a significant impact. The Program EIR identified Mitigation Measure HAZ-2 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 26) Impact 3.7-5 (For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, for a project within the vicinity of a private airstrip, the proposed program could result in a safety hazard for people residing or working in the project area). Some structural BMPs, such as detention basins that store water for a period of time or constructed wetlands that would increase or improve wildlife habitat, could be constructed on or near airports and could result in attracting wildlife. Deer and birds are known wildlife hazards to airports. If the proposed project is at or near an airport, this could increase hazards to aircraft from wildlife. The Program EIR identified Mitigation Measure HAZ-3 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 27) Cumulative Impacts, Hazards and Hazardous Materials (The proposed program would result in cumulatively significant impacts to hazardous materials). Most of the distributed BMPs would be small in scale and would not result in cumulatively significant impacts due to increased hazards from construction or operation. However, the combination of BMPs throughout the region would change the flow paths of stormwater and urban runoff that currently occurs in the region, resulting in the retention of pollutants generally within the soil of the BMPs that use soil for filtration and retention. Cumulatively, throughout the region, the retention and treatment of pollutants within each watershed and the reduction of pollutant loading in waterways will substantially benefit water and sediment quality of the region's habitats, rivers, and beaches. Therefore, the project's potential contribution to cumulative effects on hazards and hazardous materials is considered beneficial. The Program EIR identified Mitigation Measures HAZ-1 and HAZ-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### ***Hydrology and Water Quality***

- 28) Impact 3.8-2 (The proposed program would result in higher groundwater levels and could potentially affect groundwater quality). Regional BMPs would recharge stormwater into the

groundwater basin and could raise local groundwater levels following major storm events. Distributed infiltration BMPs would typically be too small to have a measureable effect on local groundwater levels. The increased water supplies captured by the infiltration basins through the EWMP areas would be a beneficial impact of the projects. Infiltration BMPs would not be suitable in areas of low permeability, though, and potential locations would need to be evaluated for suitability. Concentrations of contaminants found in stormwater runoff could increase, resulting in contaminated shallow soils and groundwater. The Program EIR identified Mitigation Measures HYDRO-1 through HYDRO-4 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures HYDRO-1 through HYDRO-3, the impact would be significant and unavoidable.

### **Noise**

- 29) Impact 3.10-3 (The proposed program would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project). No operational noise levels would be generated by the structural BMPs given their passive manner of operation. However, it is anticipated that some of the centralized and regional structural BMPs would require the use of irrigation pump stations and associated components to divert the collected stormwater. At these structural BMP sites, noise levels generated from the long-term operation of the pumps and associated components could result in increased noise levels in the surrounding noise environment. The Program EIR identified Mitigation Measures NOISE-1 and NOISE-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

### **Public Services and Recreation**

- 30) Impact 3.12-1 (The proposed program would not result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered governmental fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protective services). The structural BMPs are not habitable structures, would not be constructed with flammable materials, and would not require fire protection services. Because of the relative scale of these infrastructure improvements, the construction of the various structural BMPs are not expected to result in the need for new or physically altered fire protection facilities. However, construction of new structural BMPs in streets, sidewalks, parkland, or other facilities (these may include public service facilities such as police stations, fire stations, and municipal maintenance yards) within existing high-density urban, commercial, industrial, and transportation areas, as well as associated staging areas, could temporarily disrupt the provision of fire services, resulting in potentially significant impacts. The Program EIR identified Mitigation Measure PS-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

### **Transportation and Circulation**

- 31) Impact 3.13-1 (The proposed program would intermittently and temporarily increase traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways). Vehicle trips would be generated primarily by construction workers commuting to and from the BMP work sites, and by trucks hauling materials and equipment to



and from the sites. The construction traffic impacts associated with each individual structural BMP project would be short-term in nature and limited to the period of time when construction activity is taking place for that particular project. Although project-related traffic would be temporary, supplemental project-level analysis of potential site-specific impacts could determine that addition of project-generated traffic would be considered substantial in relation to traffic flow conditions on local roadways. For this program-level assessment, this impact is considered potentially significant. The Program EIR identified Mitigation Measure TRAF-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 32) Impact 3.13-4 (The proposed program would contribute to cumulative impacts to traffic and transportation). During construction of the structural BMPs, intermittent and temporary traffic-related impacts in the cumulative context would occur. The proposed program has the potential to contribute to potentially significant cumulative construction-related impacts as a result of (1) cumulative projects (such as land development projects) that generate increased traffic at the same time on the same roads as would the proposed program, causing increased congestion and delays; and (2) infrastructure projects in roads that would be used by project construction workers and trucks, which could delay project-generated vehicles past the work zones of those other projects. The Program EIR identified Mitigation Measure TRAF-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

### ***Utilities and Service Systems***

- 33) Impact 3.14-3 (The proposed program would require new or expanded water supply resources or entitlements or require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects). Construction requiring ground disturbance could encounter buried utilities including water supply infrastructure. Construction of BMPs to detain stormwater and dry-weather flows may reduce flows downstream, thereby reducing access to beneficial uses downstream. Dry-weather flows in coastal streams and foothills are largely fed by groundwater seepage or wastewater discharges. Any detention of dry weather flows or storm flows upstream could substantially reduce flows downstream or significantly impede access to flows. The Program EIR identified Mitigation Measures UTIL-1 through UTIL-3 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures UTIL-2 and UTIL-3, the impact would be significant and unavoidable.
- 34) Impact 3.14-4 (The proposed program would be served by a landfill with insufficient permitted capacity to accommodate the proposed program's solid waste disposal needs or the proposed program could not comply with federal, state, and local statutes and regulations related to solid waste). Construction activities associated with the structural BMPs would include excavation and demolition of some existing infrastructure, which would produce solid waste requiring disposal in the nearest landfill. Some of the EWMPs are required to implement trash Total Maximum Daily Limits (TMDLs) and associated trash removal structural BMPs, which would require the disposal of the trash collected by the BMPs, thereby increase the amount of trash being sent to landfills. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which produce debris and trash requiring disposal, which could exceed landfill limits. The new trash collected that is associated with proposed trash removal structural BMPs and non-

structural BMPs such as street cleaning and landscape management would be accommodated with existing and planned trash disposal facilities. Based on landfill capacity in the Los Angeles region, there appears to be ample availability to receive the expected trash generated by the program. The program would comply with all federal, state, and local statutes and regulations related to solid waste, including the Los Angeles County Construction and Demolition Debris Recycling and Reuse Program. The Program EIR identified Mitigation Measures UTIL-2 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 35) Cumulative Impacts, Utilities and Service Systems (The proposed program could result in significant cumulative impacts to utilities and service systems). Structural BMPs constructed to treat, infiltrate, and/or store stormwater and non-stormwater throughout the watershed would not generate wastewater or require wastewater treatment or result in adverse cumulative impacts from operation or construction. Installation of storm drainage facilities identified in the proposed EWMPs would not substantially affect existing storm drain facilities. Impacts to the existing water supplies are anticipated to be beneficial as a result of the stormwater and non-stormwater runoff infiltration and conservation BMPs implemented across the EWMP areas. Construction and operation of the structural BMPs would generate solid waste; however, landfills serving the program area are expected to have sufficient capacity to accommodate the amount of waste generated. Disposal of the solid waste generated during construction and operation would comply with all pertinent regulations and statutes. All other projects implemented in the area would also be required to comply with federal, state, and local solid waste regulations and statutes. The use of energy anticipated for the proposed program is minor when compared to the County-wide use of electricity. The proposed program would use energy-efficient equipment and would not result in wasteful consumption. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which would produce debris and trash for disposal. The Program EIR identified Mitigation Measures UTIL-1 through UTIL-3 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures UTIL-2 and UTIL-3, the impact would be significant and unavoidable.

## Findings

The Los Angeles County Flood Control District finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation, such impacts are at an unacceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the Final PEIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

## Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the District determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County of Los Angeles as follows:

- 1) The proposed program would help the District, in partnership with 85 other Permittees, to achieve compliance with the MS4 permit issued by the Los Angeles RWQCB in 2012.
- 2) The proposed program would result in improved water quality in receiving waters throughout the County including the major rivers, streams, and the ocean through the retention, detention, or treatment of stormwater and dry weather flow.
- 3) The proposed program would help the District, in partnership with 85 other Permittees, to achieve TMDL water quality objectives identified by the Los Angeles RWQCB.
- 4) The proposed program would benefit communities within the County in developing multi-benefit facilities.
- 5) The proposed project would benefit certain communities within the County in augmenting groundwater supplies with captured stormwater.
- 6) Implementation of the proposed program would help support and be consistent with the State of California Ocean Plan promoting improved ocean water quality for multiple beneficial uses.
- 7) Implementation of the proposed program would be consistent with the stated goals and policies of the Los Angeles Region Basin Plan prepared by the Regional Water Quality Control Board pursuant to California Water Code Section 13240.
- 8) Implementation of the proposed program would promote and be consistent with the County of Los Angeles 2014 Low Impact Development Standards Manual.